

~~###Revised 5/10/07 – Business Meeting – Items Reordered~~

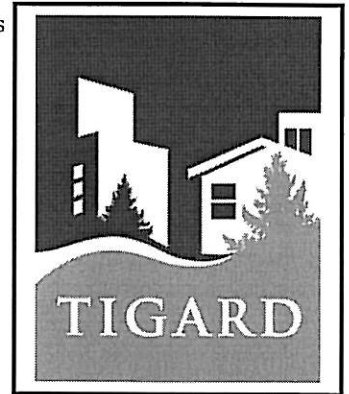
~~Added Item No. 2 – Continuation of Measure 37 Public Hearing – Truck Terminals  
and Item No. 3 – Continuation of Measure 37 Public Hearing – Tigard Grange 148  
and Item No. 4 – Administer Oath to Councilor Wilson~~

TIGARD CITY COUNCIL &  
CITY CENTER DEVELOPMENT  
AGENCY

BUSINESS MEETING

May 15, 2007 6:30 p.m.

TIGARD CITY HALL  
13125 SW HALL BLVD



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A  
TIGARD CITY COUNCIL AND  
CITY CENTER DEVELOPMENT AGENCY MEETING

6:30 PM

1. BUSINESS MEETING
  - 1.1 Call to Order - City Council
  - 1.2 Roll Call
  - 1.3 Pledge of Allegiance
  - 1.4 Council Communications & Liaison Reports
  - 1.5 Call to Council and Staff for Non-Agenda Items
  
2. CONTINUATION OF BALLOT MEASURE 37 QUASI JUDICIAL PUBLIC HEARING  
– TRUCK TERMINALS, INC. (M372006-00001)
  - a. Continue Public Hearing – Mayor
  - b. Statement by City Attorney Regarding Procedure
  - c. Declarations or Challenges
    - Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits?
    - Have all members familiarized themselves with the application?
    - Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council?
  - d. Staff Report: Community Development Department
  - e. Public Testimony
    - Proponents
      - Applicant
      - Other Proponents
    - Opponents
    - Rebuttal/Final argument by applicant
  - f. Staff Recommendation
  - g. Close Public Hearing
  - h. Council Discussion and Consideration: Ordinance No. 07-\_\_\_\_\_
  
3. CONTINUATION OF BALLOT MEASURE 37 QUASI JUDICIAL PUBLIC HEARING  
– TIGARD GRANGE NO. 148 (M372006-00002)
  - a. Continue Public Hearing – Mayor
  - b. Statement by City Attorney Regarding Procedure
  - c. Declarations or Challenges
    - Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits?



- Have all members familiarized themselves with the application?
  - Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council?
  - d. Staff Report: Community Development Department
  - e. Public Testimony
    - Proponents
      - Applicant
      - Other Proponents
    - Opponents
    - Rebuttal/Final argument by applicant
  - f. Staff Recommendation
  - g. Close Public Hearing
  - h. Council Discussion and Consideration: Ordinance No. 07-\_\_\_\_\_
4. ADMINISTER OATH OF OFFICE TO NICK WILSON FOR APPOINTMENT TO THE TIGARD CITY COUNCIL UNTIL AN ELECTION IS CONDUCTED FOR THIS COUNCIL POSITION IN THE FALL OF 2007
    - ♦ Mayor Dirksen
  5. MEETING WITH MUNICIPAL COURT JUDGE
    - Staff Report: Administration Department
    - ♦ Council Discussion
  6. RECEIVE BURNHAM STREET DESIGN UPDATE
    - Staff Report: Community Development Department
    - ♦ Council Discussion
    - ♦
  7. RECEIVE BRIEFING ON COMPREHENSIVE PLAN UPDATE
    - Staff Report: Community Development Department
    - ♦ Council Discussion
  8. REVIEW REGIONAL TRANSPORTATION PLAN (RTP) PROJECTS FOR METRO
    - Staff Report: Community Development Department

### ***Recess City Council Meeting***

## *Convene City Center Development Agency Meeting*

- Call to Order: Approximately 9:00 p.m.
  - Roll Call
- 
9. REVIEW FY 07-08 DOWNTOWN IMPLEMENTATION STRATEGY  
Staff Report: Community Development Department
    - ◆ Council Discussion
  
  10. RECEIVE DOWNTOWN LAND USE AND URBAN DESIGN PLANNING OVERVIEW
    - ◆ Staff Report: Community Development Department
    - ◆ Council Discussion
  
  11. ADJOURNMENT

i:\admin\cathy\cca\2007\070515revp.doc

Agenda Item No. 2  
Meeting of \_\_\_\_\_

**COUNCIL AGENDA ITEM SUMMARY**  
City Of Tigard, Oregon

Issue/Agenda Title Truck Terminals, Inc. Ballot Measure 37 Property Compensation Claim (M372006-00001)

Prepared By: Gary Pagenstecher Dept Head Approval: [Signature] City Mgr Approval: CP

**ISSUE BEFORE THE COUNCIL**

Shall the Council approve or deny a Ballot Measure 37 property compensation claim concerning the Truck Terminals, Inc. property located at 13015 SW Pacific Highway? If approved, Council shall decide whether to pay compensation for the alleged loss in property value attributed to the City's billboard prohibition or waive regulations to allow Truck Terminals, Inc. to use the property for a use permitted at the time the Claimant acquired the property.

**STAFF RECOMMENDATION**

Staff recommends that the Council deny the compensation claim because the proposed billboard use was not a permitted use at the time the parcel was acquired.

Should the City Council choose to approve the claim and grant a waiver, staff recommend that the waiver be granted to the owner, Truck Terminals Inc., and not the land. Once a sign permit application is filed, the application will be processed under the C-3 standards in place at the time the property was acquired. Once Truck Terminals, Inc. ceases to be the owner, however, any expansion or major modification beyond development applied for shall be subject to the land use regulations and comprehensive plan policies in effect at the time of application.

**KEY FACTS AND INFORMATION SUMMARY**

Truck Terminals, Inc. is seeking compensation or a waiver of the current land use regulations and comprehensive plan policies that are more restrictive than those in place at the time the subject property was acquired. The 0.33-acre property is currently developed with two small commercial buildings and an associated parking lot. The amount given for the reduction in property value is \$178,813, the value of a general 20-year billboard lease.

Staff finds that the current prohibition on billboards does not restrict the use of the property to any greater extent than at the time the claimant acquired the property, with respect to billboards. Key facts are below:

- ♦ City Council adopted Ordinance 65-22, which changed the zoning of the subject parcel from Multi-Family Residential (A-2) to General Commercial (C-3) on July 12, 1965;
- ♦ City Council adopted Zoning Ordinance 67-21 in February 1967;
- ♦ Ordinance 67-21 did not allow billboards but, instead, provided for, as a conditional use in the General Commercial Zone (C-3), "Any business, service, processing, storage, or display essential or incidental to any permitted use in this zone and not conducted entirely within an enclosed building". An off-premise sign, such as a billboard, is a "display" that is neither essential nor incidental to a permitted use. Ordinance 67-21 did not otherwise address signs but did qualify the applicability of the use standards stating that "no building or land shall be used and no building or structure shall hereafter be erected, enlarged or altered in this zone except for the [listed] uses.";

- ♦ Claimant acquired subject property on December 11, 1970;
- ♦ City Council adopted Ordinance 71-5, effective January 11, 1971, which included sign standards allowing off premise/for lease signs. Such signs were permitted in the C-3 zone at a maximum height of 35 feet and 300 square feet per face. Freeway oriented signs were also permitted within 600 feet of Hwy. 217 or Interstate 5;
- ♦ City Council adopted Ordinance 93-12, which prohibits billboards (Section 18.780.070.M);
- ♦ Development Code Section 18.780.130.C allows freestanding signs up to 90 square feet per face and up to 22 feet in height; and
- ♦ A typical billboard is 672 square feet per face.

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#### **OTHER ALTERNATIVES CONSIDERED**

Find the claim to be valid and take one of the following actions. Approval of an alternative action requires the Council to make findings in support of the alternative.

1. Pay compensation to the land owner, in which case the City should obtain its own market assessment of the amount of compensation.
2. Waive the applicable regulations to allow billboards, subject to the standard sign permit process.

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#### **CITY COUNCIL GOALS**

N/A

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#### **ATTACHMENT LIST**

**Attachment 1:** Proposed Ordinance

Exhibit A: Staff Report

Exhibit B: Vicinity Map

Exhibit C: Appraisal performed by SignValue (to be submitted when available by the City Attorney's office)

**Attachment 2:** Applicant's Materials

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#### **FISCAL NOTES**

The applicant provided a \$1,000 deposit to cover application review costs. This deposit will be refunded to the applicant if the claim or waiver is granted. There are no budgeted funds to pay compensation.

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 07-\_\_\_\_\_

AN ORDINANCE ADOPTING FINDINGS TO DENY A BALLOT MEASURE 37 PROPERTY COMPENSATION CLAIM (M372006-00001) FOR A .33-ACRE PARCEL LOCATED AT 13015 SW PACIFIC HIGHWAY IN THE CITY OF TIGARD (WCTM 2S102BD, TAX LOT 02900) WHICH WAS PURCHASED BY TRUCK TERMINALS, INC. ON DECEMBER 11, 1970.

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WHEREAS, the voters of the State of Oregon passed Ballot Measure 37 in 2004; and

WHEREAS, Ballot Measure 37 provides that payment of just compensation shall not apply to land use regulations enacted prior to the date of acquisition of the property by the owner; and

WHEREAS, Ordinance 67-21, in effect at the time of acquisition, did not allow billboards; and

WHEREAS, Truck Terminals, Inc. has owned the property since December 11, 1970; and

WHEREAS, a claim was made by Truck Terminals, Inc. in the amount of \$178,813.00 as the reduction in the value of the property under the current Tigard Community Development Code.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The attached Staff Report (**Exhibit A**), Vicinity map (**Exhibit B**), Appraisal performed by SignValue (**Exhibit C**), and Applicant's Materials (**Attachment 2**) are hereby adopted as findings.

SECTION 2: The Tigard City Council hereby denies the Truck Terminals, Inc. Ballot Measure 37 property compensation claim (M372006-00001).

SECTION 3: This denial applies to the property north of SW Pacific Highway across from its intersection with SW Frewing Street at 13015 SW Pacific Highway, WCTM 2S102BD, Tax Lot 02900.

SECTION 4: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By \_\_\_\_\_ vote of all Council members present after being read by number and title only, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Craig Dirksen, Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

Agenda Item:

Hearing Date:

May 8, 2007

Time: 7:30 PM

# STAFF REPORT TO THE CITY COUNCIL FOR THE CITY OF TIGARD, OREGON



180 DAY REVIEW PERIOD = 5/15/2007

## SECTION I. CLAIM SUMMARY

FILE NAME: TRUCK TERMINALS, INC. MEASURE 37 PROPERTY COMPENSATION CLAIM  
 FILE NO: Measure 37 Claim (M37) M37-2006-00001

CLAIMANT/ OWNER:	Truck Terminals, Inc. 15965 NW Tullamorie Way Portland, OR 97229	CLAIMANT'S REP:	Jill S. Gelineau Schwabe, Williams & Wyatt 1211 SW 5 <sup>th</sup> Avenue, Suite 1900 Portland, OR 97204
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CLAIM: The claimant demands compensation of \$178,813 for alleged loss in property value resulting from regulations that restrict the claimant from placing a billboard on the subject property. The claimant has owned the subject property since December 11, 1970.

AFFECTED  
REGULATION: Tigard Community Development Code, in particular but not limited to Chapters 18.780 and 18.520; and the Tigard Comprehensive Plan.

ZONING  
DESIGNATION: C-G: General Commercial District. The C-G zoning district is designed to accommodate a full range of retail, office and civic uses with a City-wide and even regional trade area. Except where non-conforming, residential uses are limited to single-family residences which are located on the same site as a permitted use. A wide range of uses, including but not limited to adult entertainment, automotive equipment repair and storage, mini-warehouses, utilities, heliports, medical centers, major event entertainment, and gasoline stations, are permitted conditionally.

LOCATION: 13015 SW Pacific Highway; WCTM 2S102BD, Tax Lot 02900 (North of Pacific Highway across from its intersection with SW Frewing Street).

APPLICABLE  
CODE CRITERIA: Tigard Municipal Code Chapter 1.20.

## SECTION II. STAFF RECOMMENDATION

Staff recommends that the City Council review the following report and determine whether the claim is valid. Staff recommends that Council deny the claim because the proposed billboard use was not allowed at the time the parcel was acquired.

### SECTION III. BACKGROUND

The subject .33-acre parcel (TL 2900) is located north of SW Pacific Hwy. at its intersection with SW Frewing Street. It is currently developed with two small commercial buildings and an associated parking lot. On July 12, 1965, through Ordinance 65-22, City Council changed the zoning of the subject parcel from Multi-Family Residential (A-2) to General Commercial (C-3). In February 1967, the City adopted its Zoning Ordinance (Ord 67-21). The provisions of this ordinance, as it relates to the subject of the claim (signs), were in effect at the time the subject property was acquired by the claimant on December 11, 1970.

### SECTION III. APPLICABLE CRITERIA AND FINDINGS

Section 1.20.030 states a property owner wishing to make a claim against the City under Measure 37 shall first submit a claim to the City. A claim under Measure 37 must be in writing and include:

**A. Identification of the affected property.** Identification may be by street address, subdivision lot number, tax lot number, or any other information that identifies the property.

The claimant identifies the property as being located at 13015 SW Pacific Highway; WCTM 2S102BD, Tax Lot 02900.

**B. The name and contact information of the person making the claim, the date the Claimant acquired the property, and, if applicable, the date that a family member of Claimant acquired the property and the names and relationships of family members that are previous owners.**

The name and contact information of the person making the claim is Jill S. Gelineau of Schwabe Williams & Wyatt, Attorneys, 1211 SW 5<sup>th</sup> Avenue, Suite 1900, Portland, OR 97204; Phone 503-222-9981. The claim is made on behalf of the land owner, Truck Terminals, Inc., 15965 SW Tullamorie Way Portland, OR 97229. The claimant's representative states the property was acquired by the claimant on December 11, 1970 and submitted a warranty deed dated December 11, 1970 (Book 801 page 287) as evidence.

**C. A list of all persons with an ownership interest in or a lien on the property.**

The title report identifies the Claimant, Truck Terminals, Inc. as the sole owner.

**D. Identification of the regulation that is alleged to restrict the use of the affected property and a statement describing how the restriction affects the value of the property.**

With respect to the claim for the lost value of an income stream for a billboard lease, the claimant's representative cites sections 18.780.070 and 18.780.085 of the Tigard Municipal Code. In addition, the claimant included "Exhibit B" with their Measure 37 claim which contains the City's current Community Development Code Chapters 18.780, Signs, and Chapter 18.520, Commercial Zoning Districts, in their entirety.

Tigard Community Development Code Section 18.780.070, Certain Signs Prohibited, includes subsection M, which prohibits billboards. TDC Section 18.780.085, Sign Measurement, includes the method to determine the size of freestanding signs, but does not itself set limitations on size of particular sign types or with respect to zones. [TDC Section 18.780.130.C contains sign restrictions applicable to the C-G zone which allow property owners to build only one free standing sign and which prohibits any freestanding sign larger than 70 square feet per face or a total of 140 square feet for all sign faces.]

The claimant's representative estimates the reduction in property value caused by the regulations that restrict the proposed billboard lease cited above is the net present value of the lease, \$178,813.

**E. A statement whether the Claimant prefers compensation or a waiver, suspension or modification of the regulation, and a statement describing the extent to which the regulation would need to be waived, suspended or modified to avoid the need for compensation. A description of the proposed use must be provided.**

The claimant's representative states that Truck Terminals, Inc respectfully demands that compensation be paid to it, pursuant to Measure 37.



The claimant's representative has not provided a statement describing the extent to which the regulation would need to be waived, suspended or modified to avoid the need for compensation.

The claimant's representative has not provided a description of the proposed use beyond that stated in "Exhibit C" of the Claimant's Measure 37 claim, "a potential property lease for a permanent easement on a billboard site." (Attachment 2).

**F. The amount claimed as compensation and documentation supporting the amount. The documentation shall include a market analysis, an appraisal, or other documentation at least equivalent to a market analysis.**

The claimant's representative has provided a written demand for compensation in the amount of \$178,813. In support of this amount, the claimant's representative submitted a letter dated August 15, 2005, from Brian Oliver, Aquitas Capital Management, which provides a method for determining the economic value to the rights of a potential property lease for a permanent easement on a billboard site.

The claimant has not provided a market analysis, appraisal, or documentation at least equivalent to a market analysis for the subject property, but has instead provided an example of the net present value of an income stream for a potential billboard use with no specific design or location on the subject parcel.

The claimant's representative does not provide an estimate of the difference between the market value of the property under current regulations and the market value of the same property under the regulations adopted at the time the property was acquired that shows a reduction in the value of the property.

**G. The name and contact information of the Claimant's authorized representative or representatives, if applicable.**

Claimant's authorized representative is Jill S. Gelineau of Schwabe Williams & Wyatt, Attorneys, 1211 SW 5<sup>th</sup> Avenue, Suite 1900, Portland, OR 97204; Phone 503-222-9981.

Section 1.20.080 outlines the criteria for making a decision on the compensation claim. In deciding the claim, the Decision Maker may take any of the following actions:

**DENY the claim based on any one or more of the following findings:**

**a. The regulation does not restrict the use of the private real property.**

Pursuant to ORS 197.352.3.E, payment of just compensation shall not apply to land use regulations enacted prior to the date of acquisition of the property by the owner.

Zoning Ordinance 67-21 contained the regulations in effect at the time the claimant acquired the property. Ordinance 67-21 did not allow billboards but, instead, provided for, as a conditional use in the General Commercial Zone (C-3), "Any business, service, processing, storage, or display essential or incidental to any permitted use in this zone and not conducted entirely within an enclosed building". (Chapter 140-2-gg). An off-premise sign, such as a billboard, is a "display" that is neither essential nor incidental to a permitted use. "Incidental" is defined to mean "something likely to happen or naturally appertaining, incurred casually or and in addition to the regular amount". Random House Dictionary, College Edition, 1968.

Ordinance 67-21 did not otherwise address signs but did qualify the applicability of the use standards stating that "no building or land shall be used and no building or structure shall hereafter be erected, enlarged or altered in this zone except for the [listed] uses."

Ordinance 71-5, effective January 11, 1971, included sign standards allowing off premise/for lease signs. Such signs were permitted in the C-3 zone at a maximum height of 35 feet and 300 square feet per face. Freeway oriented signs were also permitted within 600 feet of Hwy. 217 or Interstate 5.

Ordinance 93-12 prohibited billboards. TDC Section 18.780.070.M does restrict the placement of billboards on the subject property. TDC Section 18.780.130.C, limits the size of signs in the C-G zone prohibiting any freestanding sign larger than 70 square feet per face or a total of 140 square feet for all sign faces, compared to the typical billboard size, which is approximately 14 feet high by 48 feet long, or 672 square feet per side.

Therefore, the present billboard prohibition does not restrict the use of the property to any greater extent than at the time the claimant acquired the property, with respect to billboards. Therefore, the Council could deny the claim.

**b. The fair market value of the property is not reduced by the passage or enforcement of the regulation.**

The claimant has not submitted a market analysis, appraisal, or other documentation to determine the difference in value from the property's fair market value without the billboard and its fair market value with a billboard allowed. Based on the information submitted, it is reasonable to assume that some marginal value could be attributed to the billboard use of the subject property. However, the information provided is insufficient for staff to do the required analysis. Therefore, staff is unable to determine whether or not the fair market value of the property is reduced, in this case.

*NOTE: The City is undertaking an appraisal of the property, which may be useful in helping the Council evaluate this criterion.*

**c. The claim was not timely filed.**

The claim was filed on November 16, 2006. The claim was timely filed within two years of passage of Measure 37, prior to December 4, 2006.

**d. The Claimant is not the current property owner.**

According to the Warranty Deed submitted by the claimant's representative, the claimant, Truck Terminals, Inc., is the current property owner.

**e. The Claimant or family member of Claimant was not the property owner at the time the regulation was adopted.**

According to the title report submitted by the claimant's representative, the claimant currently owns the property and acquired the property on December 11, 1970. City Council approved Ordinance 93-12 on April 13, 1993, which amended the Tigard Community Development Code prohibiting billboards. Therefore, the claimant was the property owner at the time the subject regulation was adopted.

However, pursuant to ORS 197.352.3.E, payment of just compensation shall not apply to land use regulations enacted prior to the date of acquisition of the property by the owner. Ordinance 67-21, in effect at the time of acquisition, did not allow billboards.

In addition, ORS 197.352.8 and 10 refer to waiver and compensation for uses "permitted at the time the owner acquired the property." Billboards were not a permitted use at the time the owner acquired the property.

**f. The regulation is a historically and commonly recognized nuisance law or a law regulating pornography or nude dancing.**

Generally, regulations that protect public health, safety or welfare are considered "nuisance laws". Sign restrictions are not likely to be upheld as a historical and commonly recognized nuisance law. However, two of the stated purposes from the sign code are "to accommodate the need of sign users while avoiding nuisances to nearby properties" and "to prevent proliferation of sign and sign clutter." Therefore, the proposed billboard sign could possibly be deemed a nuisance.

**g. The regulation is required by federal law.**

The subject regulations were adopted and are enforced as City regulations and are not know by staff to be based on federal requirements.

**h. The regulation protects public health and safety.**

As discussed previously, some sign restrictions relate to safety, but some are aesthetic protections for public welfare. The claimant would need to show through a detailed design, that the proposed signage would not cause adverse impacts to traffic or general public safety.

**i. The City is not the entity responsible for payment. The City is not responsible if the challenged law, rule, ordinance, resolution, goal or other enactment was not enacted or enforced by the City.**

The City adopted the present billboard prohibition (Ordinance No. 93-12) and is the jurisdiction responsible for enforcing the rules being challenged.

j. The City has not taken final action to enforce or apply the regulation to the property for which compensation is claimed.

No application for a sign permit has been reviewed or final action taken to apply the challenged regulations to the subject property.

k. The City has not established a fund for payment of claims under Measure 37.

The City Council has not established a fund for payment of claims under Measure 37.

l. The Claimant is not legally entitled to compensation for a reason other than those listed in subsections a through k. The basis for this finding must be clearly explained.

Staff finds no other reasons, aside from those already listed, to deny the claim.

Based on the review of the claim and this report, the Decision Maker may also decide to:

2. **PAY COMPENSATION**, either in the amount requested or in some other amount supported by the evidence. If the City pays compensation, the City shall continue to apply and enforce the regulation. Any compensation shall be paid from funds appropriated for that purpose. The City may require any person receiving compensation to sign a waiver of future claims for compensation under Measure 37 and the City may record that waiver with the County Recorder.

The City Council will need to make a determination of whether the claim is valid. If valid, funds may be appropriated to pay the claim. Staff finds that the Claimant has not adequately demonstrated the value of the claim and suggests that the City conduct its own appraisal prior to paying such claim.

3. **WAIVE** or not apply the regulation to allow the owner to use the property for a use permitted at the time the Claimant acquired the property.

As shown above, the proposed billboard use was not a permitted use at the time the Claimant acquired the subject property.

4. **MODIFY** the regulation so that it does not give rise to a claim for compensation. Any such modification shall be for the specific property only unless the City follows the procedure for a legislative land use decision.

As shown above, the proposed billboard use was not a permitted use at the time the Claimant acquired the subject property. Staff finds that the claim is not valid.

5. **CONDITIONALLY WAIVE** or suspend the regulation subject to receipt of a defined amount of contributions toward compensation by a specified date from persons opposed to the waiver or suspension, such as persons who believe they would be negatively affected by waiver or suspension, with the waiver or suspension being granted if the defined amount of contributions is not received by the specified date. If the contributions are received, compensation shall be paid within 180 days of the date the claim was filed. The specified date shall allow the City time to process the contributions and pay compensation.

No contributions for compensation have been identified at this time.

The Decision Maker may take **OTHER ACTIONS** it deems appropriate in individual circumstances, may modify the listed actions, and/or may combine the listed actions, consistent with Measure 37. The Decision Maker may negotiate an acceptable solution with the Claimant or may direct staff to negotiate with the Claimant. In the event that the Decision Maker directs staff to negotiate, the matter shall be set for further action by the Decision Maker no less than 175 days from the date of the notice of claim became complete. The Council shall take final action within 180 days of the claim. The Decision Maker shall take actions 2 through 5 only if it determines the claim is valid.

As stated in the recommendation above and the conclusion below, staff recommends the compensation claim should be denied.

**A decision by a Decision Maker other than Council shall not be a final decision, but shall be a recommendation to Council.**

This staff report represents only a recommendation to the City Council and is not a final decision of the City.

**SECTION IV. CONCLUSION**

Based on the information provided by the claimant and the findings contained in this report, staff recommends that the City Council deny the compensation claim because the proposed billboard use was not allowed at the time the parcel was acquired.

  
PREPARED BY: Gary Pagenstecher  
Associate Planner

April 25, 2007  
DATE

REVIEWED BY: Dick Bewersdorff  
Planning Manager

April 25, 2007  
DATE



# EXHIBIT B

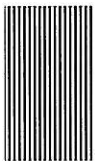


CITY of TIGARD

## GEOGRAPHIC INFORMATION SYSTEM VICINITY MAP

=====  
M372006-00001  
=====  
TRUCK TERMINALS  
INC.  
MEASURE 37 CLAIM

### LEGEND:



SUBJECT  
SITE



Information on this map is for general location only and should be verified with the Development Services Division.

13125 SW Hall Blvd  
Tigard, OR 97223  
(503) 639-4171

<http://www.ci.tigard.or.us>

# **“EXHIBIT C”**

**TO BE SUBMITTED BY THE CITY  
ATTORNEY’S OFFICE WHEN AVAILABLE**



## PROCEDURE FOR BALLOT MEASURE 37 COMPENSATION CLAIM

City of Tigard Permit Center 13125 SW Hull Blvd., Tigard, OR 97223  
Phone: 503.639.4171 Fax: 503.598.1960

The claim must be in writing and include the information listed below. The claim shall not be considered filed until all of the requirements of the procedure are met.

### FOR STAFF USE ONLY

Case No.: M 37 2006-00001

Application Accepted By: S. TREAT

Date: 11/16/06

Date Determined Complete: \_\_\_\_\_

Deposit: \$1,000 (Deposit to be refunded if claim is determined to be valid. If claim is denied and ultimately determined invalid, the claimant shall reimburse the City for the costs the City incurs in processing the claim. If reimbursement exceeds the deposit, the claimant shall pay any additional amount within 30 days of a demand by the City for full payment. If costs are less than the deposit, the difference will be refunded to the claimant.)

### IDENTIFICATION OF AFFECTED PROPERTY

Property Street Address/Location(s): 13015 SW Pacific Highway

Tax Map & Tax Lot # (s): Township 2 South Range 1 West Section 2BD Tax Lot 2900

Subdivision Lot # (s): \_\_\_\_\_

### CLAIMANT INFORMATION

Property Owners/Claimants/Deed Holders\*: Truck Terminals, Inc.

Address: 15965 NW Tullamorie Way

Phone: (503) 614-1827

City/State: Portland, Oregon

Zip: 97229

(Attach list if more than one)

Date Claimant Acquired Property: December 11, 1970

Date Family Member of Claimant Acquired Property (if applicable): \_\_\_\_\_

Names and Relationships of Family Members that are Previous Owners (if applicable):  
\_\_\_\_\_  
\_\_\_\_\_

(Attach list if additional space is needed)

Lien/Security Interest Holders of the affected property: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

City/State: \_\_\_\_\_

Zip: \_\_\_\_\_

(Attach list if more than one)

\* When the owner and the applicant are different people, all owners of the affected property must sign this application in the space provided on the back of this form. If the affected property is owned by two or more persons and not all owners seek compensation, all owners who do not seek compensation shall sign a waiver of the right to compensation.

**REGULATION RESTRICTING USE**

Identify the regulation that is alleged to restrict use of affected property. Provide a statement describing how the restriction affects the value of the property. (Attach additional materials as necessary)

See Exhibit B

**CLAIM PREFERENCE**

Provide a statement of whether claimant prefers compensation or a waiver, suspension, or modification of the regulation.

See Letter

Include a statement describing the extent to which the regulation would need to be waived, suspended, or modified to avoid the need for compensation. A description of the proposed use must be provided. (Attach additional materials as necessary)

See Letter

**AMOUNT OF COMPENSATION**

The amount claimed as compensation: See Letter and Exhibit C

Provide documentation supporting the amount. Said documentation shall include a market analysis, appraisal, or other documentation at least equivalent to a market analysis.

Claimants' Authorized Representative(s) if applicable.

SIGNATURES of each owner of the subject property.

DATED this NOV 7 day of NOV, 2006

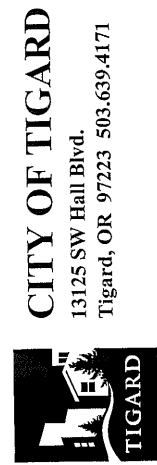
Guyonnet Barnatt  
Owner's Signature  
TRUCK TERMINALS, LLC

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Signature





Receipt #: 27200600000000005482

Date: 11/16/2006

Line Items:					Amount Paid
Case No	Tran Code	Description	Revenue Account No		
M372006-00001		[M37-CD] Measure 37 Deposit	100-0000-229080		1,000.00
Line Item Total:					\$1,000.00
Payments:					Amount Paid
Method	Payer	User ID	Acct./Check No.	Approval No.	How Received
Check	SKYLINE MEDIA LLC	ST	1214		In Person
Payment Total:					\$1,000.00



**SCHWABE, WILLIAMSON & WYATT**  
ATTORNEYS AT LAW

Pacwest Center, 1211 SW 5th Ave., Suite 1900, Portland, OR 97204 | Phone 503-222-9981 | Fax 503-796-2900 | www.schwabe.com

**JILL S. GELINEAU**

Admitted in Oregon and Washington

Direct Line: (503) 796-2887

E-Mail: jgelineau@schwabe.com

**RECEIVED**

**NOV 16 2006**

**CITY OF TIGARD  
PLANNING/ENGINEERING**

November 16, 2006

**BY HAND DELIVERY**

City of Tigard  
13125 SW Hall Blvd.  
Tigard, OR 97223

Re: Measure 37 Claim for Truck Terminals, Inc Property

Dear City of Tigard:

This office represents Truck Terminals, Inc, and is submitting this written demand for just compensation on its behalf pursuant to Measure 37.

Truck Terminals, Inc acquired tax lot 2900 in Section 2BD of Township 2 South, Range 1 West on December 11, 1970. Truck Terminals, Inc has had continuous ownership of the property since its initial acquisition. A complete chain of title report is enclosed as Exhibit A.

Truck Terminals, Inc intends to lease space on its property for the purpose of placing an outdoor advertising sign. Currently, Chapters 18.780.070 and 18.780.085 of the Tigard Municipal Code restrict the development from occurring in the form intended by Truck Terminals, Inc.

We have identified a number of other City of Tigard regulations currently in effect which were enacted subsequent to acquisition of the property by Truck Terminals, Inc, and which restrict the use and reduce the value of the property. These specific land use regulations are listed in Exhibit B to this letter. These land use regulations, and perhaps others, have been enforced against this property. Most recently, on October 5, 2006, City of Tigard Code Enforcement Officer Christine Darnell informed Keith Benjamin of this office that placement of a billboard on the property is not allowed. The City of Tigard did not have land use regulations in effect at the time of acquisition by Truck Terminals, Inc. that restricted the proposed development of this property.

Please note that the City of Tigard land use regulations listed in Exhibit B are those we have been able to identify at this time. It is not clear that every provision of these regulations

Portland, OR 503-222-9981 | Salem, OR 503-399-7712 | Bend, OR 541-749-4044  
Seattle, WA 206-622-1711 | Vancouver, WA 360-694-7551 | Washington, DC 202-488-4302

would apply to the development proposed by Truck Terminals, Inc. We believe that the list in Exhibit B is an adequate characterization of the land use regulations causing the restriction of use and reduction in value for the property, though it is possible that additional land use regulations apply. To the extent that the regulations listed in Exhibit B do not fully capture all land use regulations preventing Truck Terminals, Inc from enjoying all uses available at the time of acquisition, Truck Terminals, Inc reserves the right to seek relief from, or base its compensation claim on, additional applicable land use regulations.

Additionally, due to the novelty of Measure 37 and the claim of Truck Terminals, Inc thereunder, we reserve the right to amend or supplement this claim as necessary to satisfy the construction and application of Measure 37. Our position is that any land use regulation (as defined in Measure 37) that prohibits or impairs a property owner's ability to use or dispose of the property as set forth herein, would reduce the value of the property. Under Measure 37, the compensation claim must be paid or ultimately the owner shall be allowed to use or dispose of the property as permitted at the time of acquisition.

The compensation, as a result of the enforced restrictions, shall be equal to the reduction in the fair market value of the affected property interest resulting from enactment or enforcement of the land use regulations as of the date of written demand for compensation under Measure 37. We estimate the reduction in property value caused by the regulations that restrict the proposed development is \$178,813. Evidence demonstrating the net present value calculation is provided as Exhibit C. Truck Terminals, Inc respectfully demands that this compensation be paid to it pursuant to Measure 37.

In lieu of payment of just compensation, Truck Terminals, Inc would welcome removal of the land use regulations currently in effect, so long as the removal is transferable to subsequent owners and the subsequent owners would be authorized to develop the property as described above.

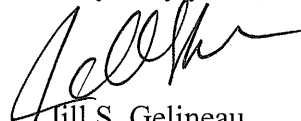
The claimants are aware that the City of Tigard adopted procedures regarding the implementation of Measure 37. This claim for just compensation is not made pursuant to such procedures, nor is it limited to regulations enacted prior to December 2, 2004. Section 6 of Measure 37 creates a cause of action for compensation if a land use regulation continues to apply to the subject property more than 180 days after the present owner of the property has made written demand for compensation. Under Section 7 of Measure 37, the procedures adopted by the City of Tigard cannot act as a prerequisite to filing a compensation claim in Circuit Court pursuant to Section 6 of Measure 37. The claimant has submitted the City of Tigard claim form for the convenience of the City, but this submission is not intended as a waiver of Truck Terminals, Inc's position on this issue.

We do hope that the City of Tigard will act promptly, fairly and responsibly to provide Truck Terminals, Inc the clear benefit they are entitled to under Measure 37.

City of Tigard  
November 16, 2006  
Page 3

Please let me hear from you at your earliest convenience.

Very truly yours,



Jill S. Gelineau

JG:ams

Enclosures

cc: Truck Terminals, Inc  
Kirk Becker

City of Tigard  
November 16, 2006  
Page 4

bcc: Mr. Chris Artman  
Mr. Brad Parsons  
Mr. Terry Sandblast



Issued by

*First American Title Insurance Company National  
Commercial Services*

*200 SW Market Street, Suite 250, Portland, OR 97201*

*Title Officer: Lynnette D. Anderson*

*Phone: (503)222-3651*

*FAX: (503)790-7856*



## ***First American Title Insurance Company***

***National Commercial Services***

200 SW Market Street, Suite 250, Portland, OR 97201  
(503)222-3651 - FAX (503)790-7856

LIABILITY: \$350.00

GUARANTEE NO.: NCS-252764-OR2

FEE: \$350.00

YOUR REF.: Truck Terminals

## **Recorded Document Guarantee**

ISSUED BY

### ***First American Title Insurance Company of Oregon***

An assumed business of Title Insurance Company of Oregon

Title Insurance Company of Oregon, dba First American Title Insurance Company of Oregon, herein called the Company, subject to the terms and provisions of the application for this Guarantee, the Liability Exclusions and Limitations set forth below and in Schedule A and the conditions contained herein

#### ***GUARANTEES***

Schwabe, Williamson & Wyatt

herein called the Assured, against loss (except attorney's fees or the cost of defense) not exceeding the liability amount stated above which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

No guarantee is given nor liability assumed with respect to the identity of any party named or referred to in Schedule A or with respect to the validity, legal effect or priority of any matter shown therein.

The Company's liability hereunder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurance herein set forth, but in no event shall the Company's liability exceed the liability amount set forth above.

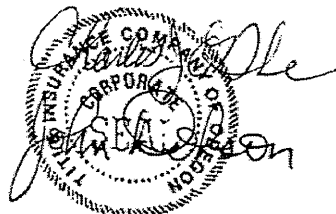
In order for the Guarantee to be valid and effective, the application and agreement for the issuance of a Recorded Document Guarantee executed by the Assured and a copy of each document listed and referred to in Schedule A must be attached hereto. All terms and conditions of the application are hereby incorporated by reference as if fully set forth in this Guarantee.

Dated: 8/23/2006 at 7:30 a.m.

### ***Title Insurance Company of Oregon***

dba FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON

By:



President

Attest:

Secretary

## **RECORDED DOCUMENT GUARANTEE**

### **SCHEDULE A**

The assurances referred to on the face page are:

That according to the Company's title plant records and those records maintained by the County Recorder known as the Grantee/Grantor indices subsequent to January 1, 1970, relative to the following described real property (but without examination of those company title plants maintained and indexed by name), there are no Deeds, Contracts, Assignment of Contracts, Leases or Subleases (hereinafter Documents) describing said real property or any portion thereof, other than those listed below, copies of which are attached hereto and made a part hereof.

A. The following Documents or matters disclosed by Documents recorded in the Public Records are specifically excluded from the coverage of this Guarantee, and the Company assumes no liability for loss or damage by reason of the following:

1. Unpatented Mining Claims, reservations or exceptions in patents or in acts authorizing the issuance thereof.
2. Water rights, claims or title to water.
3. Tax Deeds to the State of Oregon .
4. Instruments, proceedings or other matters which do not specifically describe said land.
5. Documents pertaining to mineral estates.

B. DESCRIPTION:

BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 36, NORTH TIGARDVILLE ADDITION, WASHINGTON COUNTY, OREGON, SAID CORNER BEING THE MOST WESTERLY CORNER OF SAID LOT 36; THENCE NORTHEASTERLY ALONG THE WESTERLY LINE OF SAID LOT, 74 FEET; THENCE SOUTHEASTERLY PARALLEL TO AND 74 FEET NORTHERLY FROM THE SOUTHWESTERLY LINE OF SAID LOT TO THE SOUTHEASTERLY LINE OF SAID LOT 36; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT 36 TO THE SOUTHEASTERLY CORNER THEREOF; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 36 TO THE SOUTHWESTERLY CORNER THEREOF.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, BY DEED RECORDED IN BOOK 324, PAGE 551, DEED RECORDS.



C. Listed Documents:

Document: Warranty Deed  
Recording Date: August 16, 1968  
Recording No: Book 710, page 630  
Grantor: Stan Adkins, Builder, a co-partnership, consisting of Stan Adkins  
and Wayne D. Adkins  
Grantee: AGA Properties, Inc., an Oregon corporation

Document: Warranty Deed  
Recording Date: December 14, 1970  
Recording No: Book 801, Page 287  
Grantor: AGA Properties, Inc., an Oregon corporation  
Grantee: Truck Terminals, Inc., an Oregon corporation

## GUARANTEE CONDITIONS

### 1. DEFINITION OF TERMS

The following terms when used in this Guarantee mean

- (a) "Land": the land described, specifically or by reference, in this Guarantee.
  - (b) "Public Records": those land records designated by state statutes for the purpose of imparting constructive notice of matters relating to said land.
  - (c) "Date": the effective date of this Guarantee.
  - (d) "The Assured": the party or parties named as the Assured in this Guarantee, or in a supplemental writing executed by the Company.
  - (e) "Mortgage": mortgage, deed of trust, trust deed, or other security instrument.
  - (f) "Lease": any lease or sublease of any estate in the land.
  - (g) "Assignment": the transfer of the beneficial ownership of any mortgage or lease.
  - (h) "Documents": any Deed, Mortgage, Lease or Assignment.
- Company shall reimburse the Assured for any expense so incurred.

### 2. NOTICE OF LOSS - LIMITATION OF ACTION

A statement in writing of any loss or damage for which it is claimed the Company is liable under this Guarantee shall be furnished to the Company within sixty (60) days after such loss or damage shall have been determined.

### 3. PAYMENT OF LOSS- LIMITATION OF LIABILITY

- (a) The liability of the Company under this guarantee shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurances herein set forth, but in no event shall such liability exceed the amount of the liability stated in this Guarantee.
- (b) All payments under this Guarantee shall reduce the amount of the liability hereunder pro tanto.
- (c) When liability has been fixed in accordance with the conditions of this Guarantee, the loss shall be payable within thirty (30) days thereafter.

### 4. ARBITRATION.

Unless prohibited by applicable law, either the Company or the insured may demand arbitration pursuant to the Title Insurance Arbitration Rules of

the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the insured arising out of or relating to this policy, any service of the Company in connection with its issuance or the breach of a policy provision or other obligation. Arbitration pursuant to this policy and under the Rules in effect on the date the demand for arbitration is made or, at the option of the insured, the Rules in effect at Date of Policy shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permit a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The laws of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request.

### 5. GUARANTEE ENTIRE CONTRACT

No provision or condition of this Guarantee can be waived or changed except by writing endorsed or attached hereto signed by the President, a Vice President, the Secretary, and Assistant Secretary or other validating officer of the Company.

6. If any provision or any part of a provision of this Agreement is held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the legality, validity or enforceability of any other provision of this Guarantee.

7. This Guarantee is issued only for the benefit of the named Assured and does not provide any other rights or remedies upon any other person or entity.

### 8. NOTICES

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at its main office at **222 SW Columbia St, Ste 400, Portland, Oregon 97201-5730.**

50-717-18

11035

63

11035

KNOW ALL MEN BY THESE PRESENTS, That Stan Adkins, Builder, a co-partnership, consisting of Stan Adkins and Wayne D. Adkins, hereinafter called the grantor, in consideration of No cash involved Dollars, to grantor paid by AGA Properties, Inc. an Oregon Corporation, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or appertaining, situated in the County of Washington and State of Oregon, described as follows, to-wit:

Beginning at the Southwesterly corner of Lot 36, North Tigardville Addition, Washington County, Oregon, said corner being the most Westerly corner of said Lot 36; thence Northeasterly along the Westerly line of said Lot, 74 feet; thence Southeasterly parallel to and 74 feet Northerly from the Southwesterly line of said lot to the Southeasterly line of said Lot 36; thence Southwesterly along the Southeasterly line of said Lot 36 to the Southeasterly corner thereof; thence Northwesterly along the Southwesterly line of said Lot 36 to the Southwesterly corner thereof; EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded in Book 324, Page 551 Deed Records,-----

Grantee hereby assumes and agrees to pay said Mortgage and hold grantor harmless therefrom.  
Mortgage Recorded June 27, 1967 Book 647, Page 693, Book of Records, Washington County, Oregon-----  
Mortgage Recorded July 15, 1965 Recorded in Book 560, Page 485, Book of Records, Washington County, Oregon-----

To Have and to Hold the above described and granted premises unto the said grantee and grantee's heirs, successors and assigns forever.  
And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances SAVE AND EXCEPT limited access as described in Deed recorded at Book 324, Page 551, Washington County Deed Records, And EXCEPT conditions, restrictions, covenants and easements of record and above mentioned Mortgage, and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever.

In construing this deed and where the context so requires, the singular includes the plural.  
WITNESS grantor's hand this 13th day of August, 1968

STATE OF OREGON, County of Washington ) ss. August, 1968  
Personally appeared the above named Stan Adkins and Wayne D. Adkins, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:  
Notary Public for Oregon  
My commission expires April 3, 1972

WARRANTY DEED

STAN ADKINS, BUILDER  
TO  
AGA PROPERTIES, INC.

AFTER RECORDING RETURN TO  
AGA Properties, Inc.  
P. O. Box 23373  
Tigard, Oregon 97223

100% USE THIS SPACE, RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.

710 PAGE 630

STATE OF OREGON  
County of Washington

I, Roger Thomsen, Director of Records and Elections and Ex-Officio Recorder of Conveyances for said County, do hereby certify that the within instrument of writing was received and recorded in book of records 710 of said County.

Witness my hand and seal affixed.  
ROGER THOMSEN, Director of Records & Elections  
H. Lerman  
Deputy

AUG 16 3 21 PM '68

KNOW ALL MEN BY THESE PRESENTS, That

AGA PROPERTIES, INC., an Oregon

corporation

hereinafter called the grantor, for the consideration hereinafter stated,  
to grantor paid by TRUCK TERMINALS, INC., an Oregon corporation

does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that  
certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, sit-  
uated in the County of Washington and State of Oregon, described as follows, to-wit:  
Beginning at the Southwesterly corner of Lot 36, North Tigardville  
Addition, Washington County, Oregon, said corner being the most Westerly  
corner of said Lot 36; thence Northeasterly along the Westerly line of said  
Lot, 74 feet; thence Southeasterly parallel to and 74 feet Northerly from  
the Southwesterly line of said lot to the Southeasterly line of said Lot 36  
36; thence Southwesterly along the Southeasterly line of said Lot 36 to  
the Southeasterly corner thereof; thence Northwesterly along the South-  
westerly line of said Lot 36 to the Southwesterly corner thereof;  
EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and  
through its State Highway Commission, by deed recorded in Book 324, Page  
551, Deed Records.

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.  
And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that  
grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances EXCEPT,  
Limited access, in Deed recorded September 12, 1951 in Deed Book 324, page  
551; Mortgage recorded July 15, 1965 in Book 560, page 465; which the  
grantee agrees to assume and pay; Mortgage recorded June 27, 1967 in Book  
647, page 693, which the grantee also agrees to assume and pay; said sums  
being a part of the below stated consideration:

and that  
grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the law-  
ful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.  
The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 47,000.00

In construing this deed and where the context so requires, the singular includes the plural.  
WITNESS grantor's hand this 11th day of December, 1970  
AGA PROPERTIES, INC.,  
an Oregon corporation

By: *John G. Galt* President  
By: *Chas. L. Bunnell* Secretary

STATE OF OREGON, County of *Washington* ss.  
Personally appeared the above named *AGA PROPERTIES, INC.*  
and acknowledged the foregoing instrument to be

voluntary act and deed.

Before me:  
(OFFICIAL SEAL) BOOK 801 PAGE 287 Notary Public for Oregon  
My commission expires

6069

STATE OF OREGON,

County of Washington } ss.  
before me appeared Stan Adkins  
Armin L. Bimele;

On this 11th day of December, 1970,

and both to me personally known, who being

duly sworn, did say that he, the said Stan Adkins  
is the President, and he, the said Armin L. Bimele  
is the Secretary of AGA Properties, Inc.  
the within named Corporation, and that the seal affixed to said instrument is the corporate seal of said Corporation, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and Stan Adkins and Armin L. Bimele  
acknowledge said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

*Karen P. Haley*

Notary Public for Oregon.

My Commission expires 7-13-74.

WARRANTY DEED

AGA PROPERTIES, INC.  
TO  
TRUCK TERMINALS, INC.

AFTER RECORDING RETURN TO  
Truck Terminals, Inc.  
2710 S. W. Vista Dr.  
Portland, Oregon 97225  
#10404 kh  
#47-1284

DON'T USE THIS  
SPACE RESERVED  
FOR RECORDING  
LABEL IN EQUIP-  
MENT WHERE  
USED.

INDEXED

Witness my hand and seal affixed.  
ROGER THOMSEN, Director of  
Records & Elections

Dec 14 3 25 PM '70 Deputy

BOOK 801 PAGE 288



## **EXHIBIT B TO TRUCK TERMINALS, INC. MEASURE 37 CLAIM**

### **CITY OF TIGARD**

#### **Tigard Community Development Code**

<b>Chapter 18.780</b>	<b>Signs</b>
18.780.010	Purpose
18.780.020	Permits Required
18.780.030	Permit Approval Process
18.780.040	Expiration of Approval: Standards for Extension of Time
18.780.050	Inspections
18.780.070	Certain Signs Prohibited
18.780.085	Sign Measurement
18.780.090	Special Condition Signs
18.780.110	Nonconforming Signs
18.780.120	Sign Removal Provisions: Nonconforming and Abandoned Signs
18.780.130	Zoning District Regulations
18.780.140	Sign Code Adjustments
<b>Chapter 18.520</b>	<b>Commercial Zoning Districts</b>
18.520.010	Purpose
18.520.020	List of Zoning Districts
18.520.030	Uses
18.520.040	Development Standards

#### **Tigard Comprehensive Plan**



Equitas Capital Management, Inc.  
805 SW Broadway, Suite 560 Portland, OR 97203  
(503) 419-3500 • (503) 419-3530 fax • [www.equitascapital.com](http://www.equitascapital.com)

August 15, 2005

Mr. Stan Smith  
Capital Financial Group  
5100 SW Macadam Ave., Suite 210  
Portland, OR 97239

RE: Valuation for Lease on Billboard Site

Dear Mr. Smith:

At your request, we have been giving consideration to quantifying the economic value to the rights of a potential property lease for a permanent easement on a billboard site. Accordingly, we have done some market research and financial analysis related to the present value of a potential lease stream, which in our opinion best quantifies the economic value of the rights to such a lease.

General assumptions are that the standard lease in such a situation is established for a 20 year initial term, with a base rate and annual escalation clause of 2.5% per year. The lease is generally directly with a national billboard company, who are known to be financially secure entities and thereby represent very low credit risk on the lease stream.

There are many comparable transactions in the market that suggest that national build board companies are paying a 7x multiple of the average annual lease revenue, adjusted for the annual escalation allowance (the "average" lease stream adjusted for the escalation over the life of the lease is 27.7% greater than the base lease rate), as a market valuation for obtaining the rights as the lessee on an underlying property lease for a billboard site. Utilizing this approach at the origination of the lease equates to applying a discount rate of 11.803% on the gross 20 year lease stream to arrive at a Net Present Value of the stream. This discount rate is very much in line with market expectations for transaction of this nature and risk.

For example, if the base lease rate was \$20,000 annually, the average annual lease revenue would be \$20,545, and the gross lease revenue over the 20 year initial term of the lease would be \$510,893. The net present value of this lease would be \$178,813 based on: (a) 7x the average annual lease revenue of \$20,545; or, (b) Discounting the gross lease revenue of \$510,893 by an 11.803% discount factor.

I hope this letter provides you the information that you require. If you have any questions, or need any additional information, please don't hesitate to contact me.

Sincerely,

Brian A. Oliver  
Senior Managing Director

Exhibit C

PORTLAND

TUE/SEP 19 2005 14:21/ST.14:20/NO.6980109394 P 1

FROM MAGNACORP INS.



CITY OF TIGARD, OREGON

ORDINANCE No. 65 - 22

AN ORDINANCE GRANTING A ZONE CHANGE WITH RESPECT TO THE LANDS OF RUBY D. FRISON, BEING TAX LOT 2900, 2S1 2BD, AT 13015 S. W. PACIFIC HIGHWAY, TIGARD, OREGON, FROM A-2 TO C-3.

WHEREAS, the hereinafter described lands, by action of the City Council of the City of Tigard, Oregon, pursuant to the Zoning Code of said city, have heretofore been limited in use to those uses permitted by said Code under, and have been classified and zoned for, A-2 (Multiple Dwelling) purposes; and

WHEREAS, pursuant to prescribed procedures, the owner of said lands has applied to the City of Tigard for re-classification of said property and change of zone thereof to permit the use thereof for C-3 (Retail Commercial) purposes, and said application has been duly publicized and public hearing held by the City Planning Commission on June 17, 1965, after due and legal notice; and

WHEREAS, the City Planning Commission has recommended approval of said zone change to the City Council, and due and legal notice of City Council hearing having been given by publication in the Tigard Times, and the City Council finding that no public detriment will result from the granting of said petition, and that it is in the public interest that said zone change be approved, and the property re-zoned from A-2 (Multiple Dwelling) to C-3 (Retail Commercial);

NOW, THEREFORE,

THE CITY OF TIGARD ORDAINS AS FOLLOWS:


Section 1: That the following described lands be, and the same are hereby, re-classified for Retail Commercial use, and are hereby zoned as C-3 (Retail Commercial) for use in accordance with the C-3 commercial classification of the Zoning Code of the City of Tigard, and subject to all conditions, limitations and requirements thereof, which Zoning Code with respect to the C-3 classification is by reference herein made a part hereof:

Beginning at the Southwesterly corner of Lot 36, North Tigardville Addition, said corner being the most westerly corner of said Lot 36; thence northeasterly along the westerly line of said Lot 74 feet; thence southeasterly parallel to and 74 feet Northerly from the southwesterly line of said Lot to the southeasterly line of said Lot 36; thence southwesterly along the southeasterly line of said Lot 36 to the southeasterly corner thereof; thence northwesterly along the southwesterly line of said Lot 36 to the southwesterly corner thereof.


EXCEPTING therefrom that portion conveyed to the State of Oregon, by and through its State Highway commission, by deed recorded in Book 324, Page 551, Deed Records.

**Section 2:** This ordinance shall be effective on the 31st day after its enactment by the City Council of Tigard, Oregon.

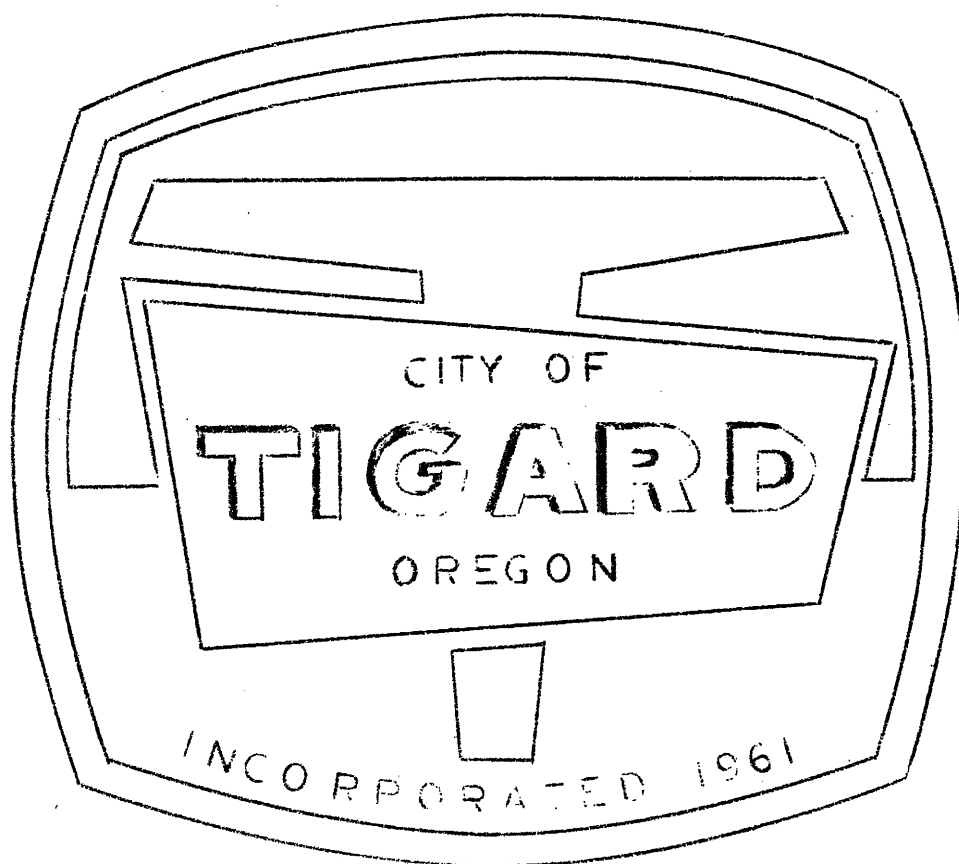
**PASSED:** By unanimous vote of all Council members present, after being read three times by title only.  
this 12th day of July, 1965.

  
Recorder - City of Tigard

**APPROVED:** By the Mayor, this 12th day of July, 1965.

  
Mayor - City of Tigard

ORIGINAL

(APPEALED BY)  
ORD 70-32ZONING ORDINANCE  
67-21

APPROVED

TIGARD PLANNING &amp; ZONING COMM.

FEB. 21, 1967

*John Ditty*  
CHAIRMAN

## Table of Contents

## Section

### CHAPTER 100 - GENERAL PROVISIONS

Short Title	100-1
Purposes	100-2
Compliance with Ordinance Provisions	100-3
Classification of Zones	100-4
Zoning Map	100-5
Zone Boundaries	100-6
Zoning of Annexed Areas	100-7

### CHAPTER 110 - SINGLE FAMILY RESIDENTIAL ZONES R-7, R-15 and R-30

Uses Permitted Outright	110-1
Conditional Uses Permitted	110-2
Lot Size in an R-7	110-3
Lot Size in an R-15	110-4
Lot Size in an R-30	110-5
Setback Requirements in R-7, R-15	110-6
Setback Requirements in R-30	110-7
Height of Buildings	110-8
Additional Requirements	110-9

### CHAPTER 120 - MULTI-FAMILY RESIDENTIAL ZONE A-2

Uses Permitted Outright	120-1
Conditional Uses Permitted	120-2
Lot Size	120-3
Setback Requirements	120-4
Height of Buildings	120-5
Additional Requirements	120-6

### CHAPTER 140 - GENERAL COMMERCIAL ZONE C-3

Uses Permitted Outright	140-1
Conditional Uses Permitted	140-2
Lot Size	140-3
Setback Requirements	140-4
Height of Buildings	140-5
Additional Requirements	140-6

### CHAPTER 150 - NEIGHBORHOOD COMMERCIAL ZONE C-4

Uses Permitted Outright	150-1
Conditional Uses Permitted	150-2
Lot Size	150-3
Setback Requirements	150-4
Height of Buildings	150-5
Additional Requirements	150-6

Table of Contents - contd.

Section

CHAPTER 160 - GENERAL INDUSTRIAL ZONE M-2

Uses Permitted Outright	160-1
Conditional Uses Permitted	160-2
Lot Size	160-3
Setback Requirements	160-4
Height of Buildings	160-5
Additional Requirements	160-6

CHAPTER 170 - LIGHT INDUSTRIAL ZONE M-3

Uses Permitted Outright	170-1
Conditional Uses	170-2
Lot Size	170-3
Setback Requirements	170-4
Height of Buildings	170-5
Additional Requirements	170-6

CHAPTER 180 - INDUSTRIAL PARK ZONE M-4

Uses Permitted Outright	180-1
Conditional Uses	180-2
Lot Size	180-3
Setback Requirements	180-4
Height of Buildings	180-5
Enclosure or Screening Required	180-6
Landscaping	180-7
Administration	180-8

CHAPTER 190 - OFF-STREET PARKING AND LOADING

General Provisions	190-1
Off-Street Parking	190-2
Standards of Measurement	190-3
Minimum Off-Street Parking Spaces Required	190-4
Off-Street Loading	190-5
Design Standards for Off-Street Parking and Loading	190-6

CHAPTER 200 - ACCESS AND EGRESS

General Provisions	200-1
Minimum Access Requirements for Residential Uses	200-2
Minimum Access Requirements for Commercial and Industrial Uses	200-3
Width and Location of Curb Cuts	200-4

CHAPTER 210 - SUPPLEMENTARY PROVISIONS

Authorization of Similar Uses	210-1
Provisions Regarding Accessory Uses	210-2
Projections From Buildings	210-3
Continuance of Minimum Ordinance Requirements	210-4
Prohibitions of Public Nuisances	210-5

Table of Contents - contd.

Section

Enclosure or Screening Required	210-6
General Exception to Lot Size Requirement	210-7
General Exceptions to Yard Requirements	210-8
General Exceptions to Building Height Limitations	210-9
Fire Zones	210-10

CHAPTER 220 - NONCONFORMING USES AND STRUCTURES

Continuance of Nonconforming Uses and Structures	220-1
Authorization to Grant or Deny Reinstatement of a Discontinued Nonconforming Use	220-2
Authorization to Grant or Deny Enlargement of a Nonconforming Use or Structure	220-3
Completion of Building	220-4
Unoccupied Building	220-5
Application for Reinstatement or Enlargement of a Nonconforming Use	220-6

CHAPTER 230 - CONDITIONAL USES

Authorization to Grant or Deny Conditional Uses	230-1
Application for a Conditional Use	230-2

CHAPTER 240 - VARIANCES

Authorization to Grant or Deny Variances	240-1
Conditions for Granting a Variance	240-2
Application for a Variance	240-3

CHAPTER 250 - PROCEDURE FOR ALLOWING OR DISALLOWING VARIANCES  
CONDITIONAL USES AND REINSTATEMENT OR ENLARGE-  
MENT OF NONCONFORMING USES

Public Hearing Required	250-1
Recess of Hearing by Planning Commission	250-2
Action of the Planning Commission	250-3
Appeal from Decision of Planning Commission	250-4

CHAPTER 260 - AMENDMENTS TO THE ZONING ORDINANCE

Authorization to Initiate Amendments	260-1
Application and Fee	260-2
Planning Commission Hearing on an Amendment	260-3
Recess of Hearing	260-4
Modification of a Proposed Amendment	260-5
City Council Hearing on an Amendment	260-6
Approval of Amendment to Zoning Map	260-7
Notification of Action	260-8
Record of Amendments	260-9

**CHAPTER 270 - ADMINISTRATION, ENFORCEMENT AND INTERPRETATION**      **Section**

Enforcement	270-1
Appeal to the City Council	270-2
Forms of Petitions, Applications and Appeals	270-3
Temporary Permits	270-4
Interpretation	270-5
Severability	270-6
Penalty	270-7

**CHAPTER 280 - DEFINITIONS**

CITY OF TIGARD, OREGON

ORDINANCE No.67- 21

AN ORDINANCE ADOPTING THE REPORT OF THE CITY PLANNING COMMISSION WITH RESPECT TO PLANNING AND ZONING WITHIN THE CITY OF TIGARD; DECLARING THE TITLE AND PURPOSE, AND ENACTING REGULATIONS AND RESTRICTIONS WITH RESPECT TO THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS; THE PART AND PERCENTAGE OF ANY LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES; THE LOCATION AND USE OF BUILDINGS AND PREMISES FOR TRADE, INDUSTRIAL, RESIDENTIAL AND OTHER PURPOSES; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES AND MODIFICATIONS IN THE REGULATIONS, RESTRICTIONS AND BOUNDARIES OF EACH DISTRICT; REGULATING NON-CONFORMING USES; DEFINING CERTAIN TERMS USED IN CONNECTION THEREWITH; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING ORDINANCE No.63-6 ENACTED BY THE CITY COUNCIL ON MAY 13, 1963 AND SECTIONS 5 and 6 OF ORDINANCE No.63-8 ENACTED BY THE COUNCIL ON JUNE 24, 1963.

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THE CITY OF TIGARD ORDAINS AS FOLLOWS:

CHAPTER I - PREAMBLE

Section 1: The City Council finds that pursuant to Ordinance #67-18 adopted by the Council on February 27, 1967, the final report of the City Planning Commission in the form of a zoning ordinance was duly filed with the City Recorder along with recommendations of the Commission for the adoption thereof, and that a public hearing was by said ordinance called to be held by the City Council on Monday, March 13, 1967 at the hour of 8:00 p.m. in the Council chambers of the City Hall, Tigard, Oregon, for the purpose of affording all persons particularly interested and the general public an opportunity to be heard with respect to said report of the City Planning Commission; and the Council further finds that due and regular notice of the hearing to be held by the Council on March 13, 1967 was given by the City Recorder by publication in the Tigard Times, a newspaper of general circulation within the City of Tigard, in the issues of March 2 and March 9, 1967, and by posting notice of said hearing in not less than three public and conspicuous places in the City of Tigard for a like period prior to March 13, 1967.

Section 2: The Council finds that pursuant to Ordinance #67-18 duly passed by the Council on February 27, 1967, the public hearing thereby called to be held, was duly and regularly held on March 13, 1967 at 8:00 p.m. in the Council chambers of the City Hall, Tigard, Oregon, at which time and place all persons particularly interested and the general public were afforded an opportunity to be heard, and were heard, with respect to the report of the City Planning Commission, and that said hearing was duly conducted and closed.

Section 3: The City Council finds that said report and ordinance proposed for adoption by the City Planning Commission and the zoning districts thereby defined are in the public interest and are reasonable, proper and necessary for the health, comfort, convenience, preservation of the public peace, safety, morals, order and the public welfare, and are appropriately designed to promote the public health, safety and general welfare giving reasonable consideration, among other things, to the character of each district, its peculiar suitability for particular uses, the conservation of



property values and the direction of building development in accordance with a well-considered plan, and are uniform for each class of buildings throughout each district, secure safety from fire and other danger and make provision for adequate light, air and reasonable access, and in all manner of things conform to the requirements of law.

## CHAPTER 110 - GENERAL PROVISIONS

### SECTION 100-1 - SHORT TITLE

This ordinance shall be known as the "CITY OF TIGARD ZONING ORDINANCE OF 1967", and may be cited as such.

### SECTION 100-2 - PURPOSES

The several purposes of this ordinance are: to encourage the most appropriate use of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide adequate open space for light and air; to lessen the congestion on streets; to give an orderly growth to the city; to prevent undue concentrations of population; to facilitate adequate provisions for community utilities and facilities such as water, sewage, electrical distribution systems, transportation, schools, park and other public requirements; and in general to promote public health, safety, convenience and general welfare.

### SECTION 100-3 - COMPLIANCE WITH ORDINANCE PROVISIONS

No structure or premises shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this ordinance.

### SECTION 100-4 - CLASSIFICATION OF ZONES

All area within the corporate limits of the City of Tigard is hereby divided into zone districts, and the use of each tract and ownership of land within the corporate limits shall be limited to those uses permitted by the zoning classification applicable to such tract as hereinafter designated. The zoning districts within the City of Tigard are hereby classified and designated as follows:

<u>Zone</u>	<u>Abbreviated Designation</u>
Single Family Residential	R-7
" " "	M-15
" " "	R-30
Multi-Family Residential	A-2
General Commercial	C-3
Neighborhood Commercial	C-4
General Industrial	M-2
Light Industrial	M-3
Industrial Park	M-4

SECTION 100-5 - ZONING MAP

- a. The boundaries of each of the foregoing districts and the zoning classification and use of each tract in each of said zoning districts is hereby prescribed to coincide with the identifying zone classifications shown on the map entitled "Zoning Map of the City of Tigard" dated with the effective date of this ordinance and signed by the Mayor and City Recorder and hereafter referred to as the "zoning map" and said map by this reference is made a part of this ordinance.
- b. Each lot, tract, parcel of land or portion thereof within the zone boundaries as designated and marked on the zoning map, is hereby classified, zoned and limited to the uses as hereinafter specified and defined for the applicable zone classification as listed in Section 100-5.
- c. The signed copy of the zoning map shall be maintained without change on file in the office of the City Recorder. All subsequent changes as from time to time they may be authorized, and the date of the latest change, ordinance number authorizing each change, and the current zoning classification with respect to each tract shall be promptly entered on supplementary maps to be maintained currently by the City Recorder.

SECTION 100-6 - ZONE BOUNDARIES

Unless otherwise specified, zone boundaries are lot lines, the center line of streets, and railroad right-of-way, or such lines extended. Where a zone boundary divides a lot between two zones, the entire lot may be placed in the zone that accounts for the greater area of the lot by the adjustment of the boundaries, provided the boundary adjustment is a distance of less than 20 feet.

SECTION 100-7 - ZONING OF ANNEXED AREAS

Zoning regulations applicable to an area prior to annexation to the city shall continue to apply and shall be enforced by the city until a zoning plan for the area has been adopted by the city council. The council may, in an ordinance annexing property to the city, place the property or any part thereof, in a zoning classification, upon recommendation from the planning commission, provided the resolutions, ordinances and notices required to be given in the annexation proceedings contain a declaration of the city's intention to place the annexed property or any part thereof in the zoning classification.

## CHAPTER 110 - SINGLE FAMILY RESIDENTIAL ZONES R-7, R-15 and R-30

### SECTION 110-1 USES PERMITTED OUTRIGHT

In an R-7, R-15 or R-30 zone the following uses and their accessory uses are permitted outright.

- a. Single Family Dwellings.
- b. Agricultural use of land, such as truck gardening, horticulture, but excluding commercial buildings or structures and excluding the raising of animals other than normal household pets.

### SECTION 110-2 - CONDITIONAL USES PERMITTED

In an R-7, R-15 or R-30 zone the following uses and their accessory uses are permitted as conditional uses when in accordance with Chapter 250.

- a. Duplex Residential, with a minimum lot size of 8,000 sq. ft.
- b. Planned Residential Development with a minimum lot size of 20,000 sq. ft. or 3,000 sq. ft. per dwelling unit whichever is greater and subject to the following additional requirements:
  1. Planned Residential Development shall be comprised of such combinations of types of dwellings and other structures and uses as shall be authorized by the Planning Commission, but the Commission shall authorize only those types of dwellings and other structures and uses as will: Conform to the official development plan of the City of Tigard; be capable of a cohesive design consistent with the protection of public health, safety and welfare in general; afford reasonable protection to the permissible uses of immediate adjacent properties surrounding the site; be suited to the capacity of existing and proposed community utilities and facilities.
  2. Applications for a conditional use permit for a Planned Residential Development shall be accompanied with an overall development plan showing: Kind, location, bulk and capacity of structures and uses; location and identification of open spaces, streets and all other means for pedestrian and vehicular circulation, parks, recreational areas and other non-building sites; provisions for automobile parking and loading; landscaping and forestry features; general nature and location of public and private utilities and other communicative facilities and services (including maintenance facilities).
  3. The Planning Commission may attach conditions to the approval of a Planned Residential Development which it feels are necessary to protect the public interest and carry out the purpose of this ordinance. Said conditions shall be clearly noted on the site plan of the proposed development and/or in the minutes of the Planning Commission. Said site plan and/or

minutes shall remain on permanent file in the City Building Department to insure conformity with all conditions imposed by the Planning Commission.

- c. Grocery store not exceeding 1,000 square feet in floor area.
- d. Boat Moorage.
- e. Cemeteries.
- f. Churches and accessory uses.
- g. Colleges.
- h. Community buildings (public).
- i. Governmental structure or land use including public park, playground, recreation building, fire station, library or museum.
- j. Greenhouse.
- k. Home occupations.
- l. Hospital, sanitarium, rest home, home for the aged, nursing home or convalescent home.
- m. Railroad right-of-way.
- n. School: Nursery, primary, elementary, junior high or senior high, college or university, private, parochial or public.
- o. Two-family dwellings with minimum lot size as required in the A-2 zone.
- p. Utility substation or pumping station with no equipment storage, and lines which are essential to the functioning and servicing of residential neighborhoods.
- q. Any business, service, processing, storage or display essential or incidental to any permitted use in this zone and not conducted entirely within an enclosed building.
- r. Golf course, country club, private club.

#### SECTION 110-3 - LOT SIZE IN AN R-7 ZONE

In an R-7 zone the lot size shall be as follows:

- a. The minimum lot area shall be 7,000 square feet.
- b. The minimum average lot width shall be 70 feet.
- c. The maximum lot coverage shall be 35%.

#### SECTION 110-4 - LOT SIZE IN AN R-15 ZONE

In an R-15 zone the lot size shall be as follows:

- a. The minimum lot area shall be 15,000 square feet.
- b. The minimum average lot width shall be 100 feet.
- c. The maximum lot coverage shall be 35%.

#### SECTION 110-5 - LOT SIZE IN AN R-30 ZONE

In an R-30 zone the lot size shall be as follows:

- a. The minimum lot area shall be 30,000 square feet.
- b. The minimum average lot width shall be 150 feet.
- c. The maximum lot coverage shall be 35%.

SECTION 110-6 - SETBACK REQUIREMENTS IN R-7, R-15 ZONES

Except as may otherwise be provided in Section 210-8 the setbacks in an R-7 or R-15 zone shall be as follows:

- a. The front yard setback shall be a minimum of 20 feet.
- b. The side yard setback shall be a minimum of 5 feet for a one story building, 6 feet for 1 1/2 and 2 story buildings and 7 feet for a 2 1/2 story building.
- c. On corner lots the setback shall be 20 feet on each side facing a street other than an alley.
- d. The rear yard setback shall be a minimum of 15 feet.

SECTION 110-7 - SETBACK REQUIREMENTS IN R-30 ZONE

Except as provided in Section 210-8 the setbacks in an R-30 zone shall be as follows:

- a. The front yard setback shall be a minimum of 30 feet.
- b. The side yard setback shall be a minimum of 5 feet for a one story building, 6 feet for 1 1/2 and 2 story buildings and 7 feet for a 2 1/2 story building.
- c. On corner lots the setback shall be 20 feet on each side facing a street other than an alley.
- d. The rear yard setback shall be a minimum of 25 feet.

SECTION 110-8 - HEIGHT OF BUILDINGS

Except as provided in Section 210-9, no building in an R-7, R-15 or R-30 zone shall exceed a height of 2 1/2 stories or 35 feet whichever is less.

SECTION 110-9 - ADDITIONAL REQUIREMENTS

Additional requirements applicable to this zone include but are not limited to the following:

- a. Off-street parking and loading - see Chapter 190
- b. Access and egress - see Chapter 200
- c. Enclosure and screening required - see Section 210-6
- d. Signs, advertising signs and structures - see Chapter 300
- e. Fire zones - see Section 210-10
- f. Nuisances prohibited - see Section 210-5

## CHAPTER 120 - MULTI-FAMILY RESIDENTIAL ZONE A-2

## SECTION 120-1 - USES PERMITTED OUTRIGHT

No building structures or land shall be used and no building or structure shall be hereafter erected, enlarged or altered in this zone except for the following uses:

- a. A use permitted outright in an R-7, R-15 or R-30 zone.
- b. Two family dwelling.
- c. Apartment dwellings.
- d. Boarding house, lodging or rooming house.

## SECTION 120-2 - CONDITIONAL USES PERMITTED

In this zone the following uses and their accessory uses are permitted as conditional uses when authorized and in accordance with Chapter 250.

- a. A conditional use as permitted in an R-7, R-15 or R-30 zone.
- b. Auditorium, exhibition or public assembly room.
- c. Golf course, country club, private clubs.
- d. Lodges and fraternal organizations.
- e. Medical, dental or other professional office or clinic.
- f. Mobile home park (must be 5 acres or more and must front on a major arterial for a distance of no less than 100 feet with screening as presently provided in Section 210-5).
- g. Railroad right-of-way.
- h. Any business, service, processing, storage or display essential or incidental to any permitted use in this zone and not conducted entirely within an enclosed building.

## SECTION 120-3 - LOT SIZE

In this zone the lot size shall be as follows:

- a. The minimum lot area shall be 7,000 square feet. When used for multi-family residential purposes the minimum lot area shall be according to the following table:

<u>Number of Units</u>	<u>Square Feet Per Unit</u>		<u>Plus Square Feet</u>
1	7,000		
2	4,000		
3 to 20	2,000	+	4,000
21 to 37	1,750	+	9,250
38 to 63	1,500	+	18,500
64 and up	1,000	+	50,000

- b. The minimum average lot width shall be 60 feet except on a cul-de-sac where minimum width shall be 60 feet at the building line.

- c. Buildings shall not occupy more than the following percentage of the lot area:

<u>Number of Dwelling Units</u>	<u>Percent of Lot Coverage</u>
1	35%
2 and 3	40%
4 to 20	45%
23 to 37	50%
38 and up	55%

#### SECTION 120-4 - SETBACK REQUIREMENTS

Except as may otherwise be provided in Section 210-8, the setbacks for uses in this zone shall be as follows:

- The front yard setback shall be a minimum of 20 feet for a one story building, and would increase as the building height increases: Two stories - 30 feet; two-and-one-half stories and over - 35 feet.
- The side yard shall be a minimum of 5 feet for one story, 7 feet for 1 1/2 stories, 10 feet for 2 stories and 12 feet for 2 1/2 stories.
- On corner lots the setback shall be 20 feet on any side facing a street other than an alley.
- The rear yard shall be the same as side yards.
- Where apartment houses are grouped as one project on one tract of land, the minimum distance between two buildings at any given point shall not be less than the sum of the required side yards computed separately for each building at that point.

#### SECTION 120-5 - HEIGHT OF BUILDINGS

Except as otherwise provided in Section 210-9, no building in this zone shall exceed a height of 2 1/2 stories or 35 feet whichever is less.

#### SECTION 120-6 - ADDITIONAL REQUIREMENTS

Additional requirements applicable to this zone include but are not limited to the following:

- Off-street parking and loading - see Chapter 190
- Access and egress - see Chapter 200
- Apartment dwellings - (Provided that any common boundary between an A-2 zone and any other residential zone be screened by a fence with a height of not less than five (5') feet and not more than seven (7') feet, the erection of which shall be the responsibility of the property ownership in the A-2 zone.) (Also Section 210-6)
- Signs, advertising signs and structures - see Chapter 300
- Fire zones - see Section 210-10
- Nuisances prohibited - see Section 210-5

## CHAPTER 140 - GENERAL COMMERCIAL ZONE C-3

## SECTION 140-1 - USES PERMITTED OUTRIGHT

No building structures or land shall be used and no building or structure shall hereafter be erected, enlarged or altered in this zone except for the following uses:

- a. Any use permitted in a C-4 Zone.
- b. Appliance store (incidental repairs only).
- c. Bank, loan company, or other financial institution .
- d. Blueprinting, photostating or other reproduction process.
- e. Business machines, retail sales and service.
- f. Commercial schools such as business colleges, music conservatories and trade schools.
- g. Department or furniture store.
- h. Film exchange.
- i. Frozen food locker (family use only).
- j. Hotels.
- k. Instruments, scientific or professional (repair shop).
- l. Jewelry store.
- m. Medical-dental clinic.
- n. Motel
- o. Motion picture theater (not drive-in).
- p. Newsstand.
- q. Professional or commercial office building.
- r. Real estate office.
- s. Record shop.
- t. Restaurant (except drive-in).
- u. Sporting goods store.
- v. Variety store.

## SECTION 140-2 - CONDITIONAL USES PERMITTED

In this zone the following uses and their accessory uses are permitted as conditional uses when in accordance with Chapter 250.

- a. Any conditional use as permitted in a C-4 zone.
- b. Amusement enterprise, including billiard or poolhall, bowling alley, boxing arena, dance hall.
- c. Auditorium, exhibition hall or other public assembly.
- d. Automobile and trailer sales area.
- e. Automobile parts, accessory sales.
- f. Automobile repairs, painting and upholstery.
- g. Catering establishment.
- h. Churches and accessory uses.
- i. Cleaning establishment.
- j. Colleges.
- k. Community buildings (public).
- l. Drive-in business (except drive-in theaters) offering goods and services directly to customers waiting in parked motor vehicles.
- m. Drive-in theater.
- n. Feed store.



- o. Governmental structures or land uses not including schools.
- p. Hospitals, convalescent, general, home for the aged.
- q. Hotel (residential).
- r. Libraries.
- s. Lodges, fraternal organizations.
- t. Lumber yard.
- u. Motel (with kitchens).
- v. Museums.
- w. Parks and playgrounds (public).
- x. Pet shop.
- y. Plumbing, electrical or general contractor and shop.
- z. Printing shop and newspaper publishing.
- aa. Private club.
- bb. Radio or T.V. service
- cc. Second hand store.
- dd. Tavern or cocktail lounge.
- ee. Tire shop and retreading.
- ff. Veterinarians office or animal hospital.
- gg. Any business, service, processing, storage or display essential or incidental to any permitted use in this zone and not conducted entirely within an enclosed building.

#### SECTION 140-3 - LOT SIZE

In this zone the lot size shall be as follows:

- a. The minimum lot area shall be 6,000 square feet.
- b. The minimum lot width shall be 60 feet.
- c. No maximum lot coverage shall be required.

#### SECTION 140-4 - SETBACK REQUIREMENTS

Except as may otherwise be provided in Section 210-8, the setbacks for non-residential uses in this zone shall be as follows:

- a. No front yard setback shall be required in this zone.
- b. No side yard setback shall be required, except when abutting a residential zone, a side yard of 5 feet shall be required.
- c. No rear yard setback shall be required except when abutting a residential zone, a rear yard setback of 25 feet shall be required.

#### SECTION 140-5 - HEIGHT OF BUILDINGS

Except as otherwise provided in Section 210-9, no building in this zone shall exceed a height of 3 stories or 35 feet whichever is less.

## CHAPTER 150 - NEIGHBORHOOD COMMERCIAL C-4

## SECTION 150-1 - USES PERMITTED OUTRIGHT

No building structures or land shall be used and no building or structure shall be hereafter erected, enlarged or altered in this zone except for the following uses:

- a. Bakery, provided any manufacture of goods is limited to goods retailed on the premises only.
- b. Barber shop.
- c. Beauty parlor.
- d. Collection station for dry cleaning or laundry.
- e. Delicatessen store.
- f. Doctor or dentist.
- g. Drug store or pharmacy including incidental fountain service but not including any other use unless specifically permitted under this section.
- h. Florist or flower shop.
- i. Gift shop.
- j. Grocery store.
- k. Laundromat.
- l. Meat market.
- m. Shoe repair.
- n. Stationery and book store.
- o. Tailor shop, dress shop, clothing store. Other similar service or retail use, if approved by the Planning Commission and subject to the same conditions.

## SECTION 150-2 - CONDITIONAL USES PERMITTED

In this zone the following uses and their accessory uses are permitted as conditional uses when in accordance with Chapter 250.

- a. Conditional use as permitted in an A-2 zone.
- b. Garden supply store.
- c. Home occupations.
- d. Multi-family dwelling subject to the regulations of an A-2 zone.
- e. Public utility.
- f. Restaurants.
- g. Service stations. (Incidental repairs only)
- h. Any business, service, processing, storage or display essential or incidental to any permitted use in this zone and not conducted entirely within an enclosed building.

## SECTION 150-3 - LOT SIZE

In this zone the lot size shall be as follows:

- a. The minimum lot area shall be 6,000 square feet.
- b. The minimum lot width shall be 60 feet.
- c. The maximum lot coverage shall be 60%.

#### SECTION 150-4 - SETBACK REQUIREMENTS

Except as may otherwise be provided in Section 210-8, the setbacks for non-residential uses in this zone shall be as follows:

- a. The front yard setback shall be 20 feet.
- b. No side yard setback shall be required, except when abutting a residential zone, a side yard setback of 5 feet shall be required.
- c. No rear yard setback shall be required except when abutting a residential zone, a rear yard setback of 25 feet shall be required.

#### SECTION 150-5 - HEIGHT OF BUILDINGS

Except as otherwise provided in Section 210-9, no building in this zone shall exceed a height of 3 stories of 35 feet whichever is less.

#### SECTION 150-6 - ADDITIONAL REQUIREMENTS

Additional requirements applicable to this zone include but are not limited to the following:

- a. Off-street parking and loading - see Chapter 190
- b. Access and egress - see Chapter 200
- c. Enclosure and screening required - see Section 210-6
- d. Signs, advertising signs and structures - see Chapter 300
- e. Fire zones - see Section 210-10
- f. Nuisances prohibited - see Section 210-5

## CHAPTER 160 - GENERAL INDUSTRIAL ZONE M-2

## SECTION 160-1 - USES PERMITTED OUTRIGHT

No building structures or land shall be used and no building or structure shall hereafter be erected, enlarged or altered in this zone except for the following uses:

- a. Any use allowed in an M-3 and M-4 light industrial zone.
- b. Automobile rebuilding, reconditioning, assembling, painting, upholstering, or truck repair or overhauling.
- c. Assembly plants.
- d. Batteries; the manufacture and rebuilding of.
- e. Bottling plant.
- f. Box factory.
- g. Coffee roasting.
- h. Coffin; manufacture of.
- i. Cold storage plant.
- j. Feed and fuel storage.
- k. Flour milling, grain storage or elevator.
- l. Fruit packing and processing.
- m. Furniture; manufacture of.
- n. Heating equipment; manufacture of.
- o. Machine shop.
- p. Paper products; manufacture of but not including the manufacture of paper itself.
- q. Paint; mixing and manufacture of.
- r. Pickle, sauerkraut or vinegar manufacture.
- s. Stone, marble and granite grinding, dressing and cutting.
- t. Tool and hardware manufacture.
- u. Trailer, manufacture of.
- v. Wallboard, manufacture of.
- w. Weaving of cotton, wool, flax and other fibrous materials.
- x. Wood yard.

## SECTION 160-2 - CONDITIONAL USES PERMITTED

In this zone the following uses and their accessory uses are permitted as conditional uses when in accordance with Chapter 250.

- a. Conditional use as permitted in an M-3 zone.
- b. Brewery.
- c. Can manufacture.
- d. Cannery.
- e. Drive-in theaters.
- f. Foundry.
- g. Gravel mining or rock crushing.
- h. Junk, rags, paper or metal storage, collection or baling.
- i. Radio and T.V. transmitters.
- j. Slaughter house.
- k. Soap and cleaning compounds manufacture.

1. Any business, service, processing, storage or display essential or incidental to any permitted use in this zone and not conducted entirely within an enclosed building.

#### SECTION 160-3 - LOT SIZE

In this zone the lot size shall be as follows:

- a. The minimum lot area shall be 6,000 square feet.
- b. The minimum lot width shall be 60 feet.
- c. No maximum lot coverage shall be required.

#### SECTION 160-4 - SETBACK REQUIREMENTS

Except as may otherwise be provided in Section 210-8, the setbacks for non-residential uses in this zone shall be as follows:

- a. The front yard setback shall be 30 feet.
- b. The side yard setback shall be 20 feet, except when abutting or across the street from a residential zone, a sideyard of 40 feet shall be required.
- c. The rear yard setback shall be 20 feet, except when abutting or across the street from a residential zone, a rear yard setback of 40 feet shall be required.

#### SECTION 160-5 - HEIGHT OF BUILDINGS

Except as otherwise provided in Section 210-9, no building in this zone shall exceed a height of 3 stories or 35 feet whichever is less.

#### SECTION 160-6 - ADDITIONAL REQUIREMENTS

Additional requirements applicable to this zone include but are not limited to the following:

- a. Off-street parking and loading - see Chapter 190
- b. Access and egress - see Chapter 200
- c. Enclosure and screening required - see Section 210-6
- d. Signs, advertising signs and structures - see Chapter 300
- e. Fire zones - see Section 210-10
- f. Nuisances prohibited - see Section 210-5

## CHAPTER 170 - LIGHT INDUSTRIAL ZONE M-3

## SECTION 170-1 - USES PERMITTED OUTRIGHT

No building, structures or land shall be used, and no building or structure shall hereafter be erected, enlarged or altered in this zone, except for the following uses:

- a. Assembly of electrical appliances, electronic instruments and devices, radios, phonographs, television, including the manufacture of small parts only.
- b. Assembly (only) of metal products.
- c. Automobile repairs, painting, and upholstering.
- d. Boat building.
- e. Book bindery.
- f. Creamery.
- g. Dairy products; manufacture of (other than creamery).
- h. Feed and seed processing.
- i. Gloves, manufacture of.
- j. Laboratories: Experimental, dental, medical, photo, or motion picture, research or testing.
- k. Laundry or dry cleaning plant.
- l. Lumber yard.
- m. Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, food and beverage products.
- n. Manufacture and maintenance of electric and neon signs, billboards or commercial advertising structures.
- o. Medicines; manufacture of.
- p. Musical instruments, toys, novelties, or rubber or metal stamps; manufacture of.
- q. Optical goods, scientific and precision instruments and equipment; manufacture of.
- r. Planing mill.
- s. Plastics; molding of, including the manufacture of products thereof, provided all grinding operations are conducted within a building.
- t. Plumbing, electrical or general contractor and shop.
- u. Plywood sales.
- v. Pottery and other similar ceramic products; manufacture of.
- w. Public service and utility.
- x. Sash and door manufacture.
- y. Shops: Sheet metal, machine and welding.
- z. Surgical instruments and dressings, artificial limbs, dentures, hearing aids and other devices employed by the medical and dental professions; manufacture of.
- aa. Veterinarian or animal hospital.
- bb. Warehousing.
- cc. Wholesale distribution or sales business.

## SECTION 170-2 - CONDITIONAL USES PERMITTED

In this zone the following uses and their accessory uses are permitted as conditional uses when in accordance with Chapter 250.

- a. Conditional use as permitted in M-4 zone.
- b. Contractors equipment storage.
- c. Drive-in theaters.
- d. Fuel oil distribution (home use only).
- e. Gravel mining or rock crushing.
- f. Radio and T.V. transmitters.
- g. Railroad right of way.
- h. Any business, service, processing, storage or display essential or incidental to any permitted use in this zone and not conducted entirely within an enclosed building.

## SECTION 170-3 - LOT SIZE

In this zone the lot size shall be as follows:

- a. The minimum lot area shall be 6,000 square feet.
- b. The minimum lot width shall be 60 feet.
- c. No maximum lot coverage shall be required.

## SECTION 170-4 - SETBACK REQUIREMENTS

Except as may otherwise be provided in Section 210-8, the setbacks for non-residential uses in this zone shall be as follows:

- a. The front yard setback shall be 30 feet.
- b. The side yard setback shall be 20 feet, except when abutting or across the street from a residential zone, a sideyard of 40 feet shall be required.
- c. The rear yard setback shall be 20 feet, except when abutting or across the street from a residential zone, a rear yard setback of 40 feet shall be required.

## SECTION 170-5 - HEIGHT OF BUILDINGS

Except as otherwise provided in Section 210-9, no building in this zone shall exceed a height of 3 stories or 35 feet whichever is less.

## SECTION 170-6 - ADDITIONAL REQUIREMENTS

Additional requirements applicable to this zone include but are not limited to the following:

- a. Off-street parking and loading - see Chapter 190
- b. Access and egress - see Chapter 200
- c. Enclosure and screening required - see Section 210-6
- d. Signs, advertising signs and structures - see Chapter 300
- e. Fire zones - see Section 210-10
- f. Nuisances prohibited - see Section 210-5

## CHAPTER 180 - INDUSTRIAL PARK ZONE M-4

## SECTION 180-1 - USES PERMITTED OUTRIGHT - INDUSTRIAL PARK

No building structures or land shall be used and no building or structure shall hereafter be erected, enlarged or altered in this zone except for the following uses:

- a. Assembly and manufacture of electrical appliances, electronic instruments and devices, radios, phonographs and television and components thereof.
- b. Assembly (only) of metal products.
- c. Batteries; manufacture of.
- d. Dairy products, manufacture of (other than creamery).
- e. Laboratories: experimental, dental, medical, photo or motion picture research or testing.
- f. Manufacture of ceramic products, using only previously pulverized clay.
- g. Manufacture of musical instruments.
- h. Manufacture of optical goods, scientific and precision instruments and equipment.
- i. Manufacture of artificial limbs, dentures, hearing aids, surgical instruments and dressings, and other devices employed by the medical and dental professions.
- j. Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, toilet soap, toiletries (excluding the refining and rendering of fats and oils) and food and beverage products.
- k. Medicines and pharmaceuticals, the manufacture of.
- l. Office buildings, bank.
- m. Plastics; molding of, including the manufacture of plastic products.
- n. Research, development and testing laboratories.
- o. Restaurant; when related to the above uses only.
- p. Warehousing; when related to the above uses only.
- q. Dwelling unit for watchman and his family.

## SECTION 180-2 - CONDITIONAL USES PERMITTED - INDUSTRIAL PARK

In this zone the following uses and their accessory uses are permitted as conditional uses when in accordance with Chapter 230.

- a. Automobile service station.
- b. Fruit packing and processing.
- c. Furniture; manufacturing of.
- d. Heating equipment; manufacture of.
- e. Machine shop, welding shop.
- f. Paper products; manufacture of but not including the manufacture of paper itself.
- g. Railroad trackage and related facilities.
- h. Public utility (such as water tower, sub-station etc.).
- i. Tool and hardware manufacture.
- j. Trailer, manufacture of.



- k. Warehousing and wholesale distribution.
- l. Weaving of cotton, wool, flax and other fibrous materials.
- m. Any other use held similar to the above uses, as approved by the Planning Commission.
- n. Any business, service, processing, storage or display essential incidental to any permitted use in this zone and not conducted entirely within an enclosed building.
- o. Building or structure in excess of two (2) stories or 25 feet in height whichever is less.

#### SECTION 180-3 - LOT SIZE - INDUSTRIAL PARK

In this zone the lot size shall be as follows:

- a. The minimum lot area shall be 40,000 square feet.
- b. The minimum lot width shall be 100 feet.

#### SECTION 180-4 - SETBACK REQUIREMENTS - INDUSTRIAL PARK

Except as may otherwise be provided in Section 11, the setbacks for non-residential uses in this zone shall be as follows:

- a. The front yard setback shall be 40 feet, except when across the street from a residential zone, a front yard setback of 50 feet shall be required.
- b. The side yard setback shall be 20 feet except when abutting or across the street from a residential zone, a side yard setback of 50 feet shall be required.
- c. The rear yard setback shall be 20 feet, except when abutting or across the street from a residential zone, a rear yard setback of 50 feet shall be required.
- d. Offstreet parking may be located within any required yard except that where located within a side or rear yard adjacent to any residential zone, parking shall be screened from said adjacent residential zone. If parking is to be located within any required front yard, the first twenty feet within said yard will be retained as landscaped area.

#### SECTION 180-5 - BUILDING HEIGHT - INDUSTRIAL PARK

Buildings in this zone shall not exceed a height of three (3) stories or 35 feet whichever is less except as provided under the conditional use provisions of this ordinance, in which case the maximum permitted height may be increased to 75 feet provided that all yards adjacent to said building shall have a minimum depth of not less than one-half the height of said building.

#### SECTION 180-6 - ENCLOSURE OR SCREENING REQUIRED - INDUSTRIAL PARK

- a. Except as otherwise permitted under the Conditional Use Provisions of this zone, all business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building.

- b. When permitted under the Conditional Use Provisions of this zone all business, service, repair, processing, storage or merchandise display not conducted within an enclosed building shall be screened from the view of all adjacent properties by a sight obscuring fence not less than six feet in height and/or by landscaping of such a height and density as may be prescribed by the Planning Commission.

#### SECTION 180-7 - LANDSCAPING - INDUSTRIAL PARK

- a. Properties abutting a residential district shall provide and maintain an evergreen landscape buffer, according to the plot plan and approved by the Planning Commission.
- b. Yards adjacent to streets and those abutting a residential district shall provide lawn and trees and/or shrubs and shall be maintained in a manner providing a park-like character to the property.
- c. Other yards and unused property shall be planted in grass or other suitable ground cover and properly maintained.

#### SECTION 180-8 - ADMINISTRATION - INDUSTRIAL PARK

- a. Application for Building Permits in an Industrial Park Zone shall be accompanied by the information needed to satisfy the building code plus the following:
  - 1. A plot plan of the property showing the location of all present and proposed buildings, drives, parking lots, landscaping plan, waste disposal fields and other construction features on the property; and all buildings, streets, alleys, highways, streams and other topographical features outside of the property for one hundred (100) feet from all property lines.
  - 2. A description of the industrial operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, toxic or noxious matter, vibrations, odors, heat, glare, air pollution, wastes and other objectionable effects.
  - 3. Engineering and architectural plans for the treatment and disposal of sewage and industrial wastes and any on-site disposal of wastes.
  - 4. Engineering and architectural plans for handling of any excess traffic congestion, noise, glare, air pollution, fire hazard or safety hazard.
  - 5. Designation of the fuel proposed to be used and any necessary architectural and engineering plans for controlling smoke or particulate matter.

6. The proposed number of shifts to be worked and the maximum number of employees on each shift.
- b. If found necessary and upon request of the City, information sufficient to determine the degree of compliance with the standards of this ordinance shall be furnished by the industry. Such request may include a requirement for continuous records of operations likely to violate the standards, for periodic checks to assure maintenance of standards, or for special surveys in the event it appears a violation is in progress.

## CHAPTER 190 - OFF-STREET PARKING AND LOADING

### SECTION 190-1 - GENERAL PROVISIONS

- a. The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.
- b. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the building inspector in the form of deeds, leases, or contracts to establish the joint use.
- c. A plan drawn to scale, indicating how the off-street parking and loading requirement is to be fulfilled, shall accompany the request for a building permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include but not be limited to:
  1. Delineation of individual parking spaces.
  2. Circulation area necessary to serve spaces.
  3. Access to streets, alleys and properties to be served.
  4. Curb cuts.
  5. Dimensions, continuity and substance of screening.
  6. Grading, drainage, surfacing and subgrading details.
  7. Delineations of all structures or other obstacles to parking and circulations on the site.
  8. Specifications as to signs and bumper guards.

### SECTION 190-2 - OFF-STREET PARKING

- a. At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure within any zone in city off-street parking spaces shall be as provided in this section. In case of enlargement of a building or use of land existing on the effective date of this ordinance, the number of parking and loading

spaces required shall be based only on floor area or capacity of such enlargement. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is specified in the standards of this section when applied to the entire use.

- b. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- c. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use, and shall not be rented, leased or assigned to any other person or organization. Such restriction shall not be deemed to prevent the parking of not to exceed, one unoccupied house or camping trailer, and/or not to exceed one pleasure boat, provided however, that required automobile parking space is not thereby infringed upon.
- d. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than 300 feet from the building or use they are required to serve, measured in a straight line from the building.
- e. Required parking spaces shall be improved and available for use at the time of the final building inspection.

#### SECTION 190-3 - STANDARDS OF MEASUREMENT

- a. Except as otherwise defined in this code, "one space" means a minimum area available for parking 9 feet wide and 20 feet long. No area shall be considered as a parking space unless the plans submitted shall show that the area is accessible and usable for that purpose.
- b. "Square feet" means square feet of gross floor area under roof measured from extension limit or face of a building or structure, excluding only space devoted to covered off-street parking or loading.
- c. "Employees" means all persons (including proprietor, executives, professional people, production, sales and distribution employees) working on the premises during the largest shift.
- d. Parking spaces in public streets or alleys shall not be eligible as fulfilling any part of the parking requirements.

# SECTION 190-4 - MINIMUM OFF-STREET PARKING SPACES REQUIRED

Off-street parking shall be provided according to the following standards and regardless of the zone in which the use is located.

USE	STANDARD
<b>a. Residential uses:</b>	
1. Single Family residences	- One space for each dwelling unit.
2. Two family dwellings	- " " " " " "
3. Apartment dwelling	- Three spaces for each two dwelling units
4. Residential hotel, rooming or boarding house	- One space for each guest accommodation.
5. Fraternity or Sorority houses	- One space for each two occupants
6. Hotel	- One space for each one guest room plus one space for each two employees.
7. Motel or tourist court	- One space for each guest room or suite plus one space for each two employees.
8. Club	- Clubs shall be treated as combinations of uses such as hotel, restaurant, auditorium, etc., and the required spaces for each separate use shall be provided.
<b>b. Institutions:</b>	
1. Convalescent homes; Institutions for the aged; institutions for children; welfare or correction institutions.	- A minimum of four spaces per use; in addition one space for each five beds for patients plus one additional space for each two employees.
2. Hospitals	- A minimum of six spaces per hospital, in addition one space for each two beds, including bassinets plus one additional space for each two employees.
<b>c. Public assembly:</b>	
1. Church	- A minimum of six spaces per church in addition, one space for each six seats or twelve feet of bench length.

2. Library
  - One space for each four hundred square feet of gross floor area; plus one space for each two employees.
3. Auditorium or meeting rooms, except schools
  - A minimum of six spaces per assembly; in addition, one space for each six seats or twelve feet of bench length.
4. College, commercial
  - One space for each six seats in classrooms plus one space for each two employees.
5. Nursery schools, elementary or high schools.
  - Two spaces per teacher; minimum of eight spaces per school; in addition, one space for each twelve seats or twenty-four feet of bench length in the auditorium or assembly room or, if none, the sum of the classroom seating capacity plus one space for each two employees.
6. Passenger terminal (bus, air or rail)
  - One space for each five hundred square feet of gross floor area plus one space for each two employees.

d. Sports and commercial amusement:

1. Stadium or race track
  - One space for each four seats or eight feet of bench length.
2. Indoor arena or theater
  - One space for each four seats or eight feet of bench length.
3. Bowling alley
  - Five spaces for each alley, plus one space for each two employees.
4. Dance hall or skating rink
  - One space for each one hundred square feet of gross floor area, plus one space for each two employees.
5. Amusement park
  - One space for each one thousand square feet of gross area, plus one space for each two employees.

e. Commercial:

1. Retail stores including restaurant, cafe, tavern, night club but other than in item (2) below
  - Minimum three spaces per use and in addition, one space for each five hundred square feet gross floor area, plus one space for each two employees.
2. Service or repair shop and retail store handling bulky merchandise, such as automobiles and furniture.
  - Minimum three spaces per use and in addition, one space for each five hundred square feet of gross floor area, plus one space for each two employees.

3. Commercial or professional-office space - One space per five hundred square feet of floor area plus one space for each establishment plus one space for each two employees.

f. Industrial:

1. Wholesale or freight terminal (water, air, rail or trucking) - One space for each employee on the largest shift.
2. Storage - One space for each employee on the largest shift.
3. Manufacturing or processing - One space for each employee on the largest shift.

- g. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.

SECTION 190-5 - OFF-STREET LOADING

- a. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.
- b. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

SECTION 190-6 - DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING

- a. Groups of more than two parking spaces shall be served by a service drive so that no backing movements or other maneuvering within a street other than an alley will be required.
- b. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on



the site, and shall have a minimum vision clearance area as prescribed in Section 210-9.

- c. Each parking and/or loading space shall be accessible from a street or other right-of-way and the access shall be of a width and location as described by Chapter 200 - Access and Egress.
- d. Access aisles shall be of sufficient width for all vehicles turning and maneuvering, and according to the minimum standard shown on Figure #1.
- e. Except in connection with single family uses, all areas used for the standing or maneuvering of vehicles shall be improved according to the same specifications as required for city streets.
- f. Parking spaces along the boundaries of a parking lot shall be provided with a bumper rail or a curb at least 4 inches high located 4 feet within the property lines.
- g. Off-street parking and loading areas shall be drained to avoid flow of water across public sidewalks.
- h. Where the boundary of a parking lot adjoins a residential district, such parking lot shall be screened by a sight obscuring fence, as prescribed by Section 210-5 - Enclosure and Screening Required.
- i. Artificial lighting which may be provided shall be deflected so as not to shine directly into adjoining dwellings or other types of living units and so as not to create a hazard to the public use of any road or street.
- j. Signs which are provided on parking lots for the purpose of directing traffic shall be as prescribed in Chapter 300.

## CHAPTER 200 - ACCESS AND EGRESS

### SECTION 200-1 - GENERAL PROVISIONS

The following requirements and standards shall not apply in any instance where subdivision rules or standards of the City of Tigard are applicable. The following provisions and standards are intended to apply where no present or discernible purpose exists to partition one or more parcels of land in contravention or violation of the subdivision laws of the State of Oregon and Ordinances of the City of Tigard.

- a. The provision and maintenance of access and egress stipulated in this ordinance are continuing requirements for the use of any structure or parcel of real property in the City of Tigard. No building or other permit shall be issued until scale plans are presented that show how access and egress requirement is to be fulfilled. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing access and egress requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in access and egress is provided.
- b. Unless the required access and egress is dedicated to public use by permanent easement or deed, the building inspector shall not issue a building permit until the City Attorney has been presented with satisfactory legal evidence in the form of deeds, easements, leases, or contracts to establish access and egress for the duration of the occupancy or use for which access and egress are required. Copies of said deeds, easements, leases or contracts shall be placed on permanent file with the City Recorder.
- c. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies their combined requirements as designated in this ordinance, provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts shall be placed on permanent file with the City Recorder.
- d. All access and egress shall connect directly with public streets approved and accepted by the city for public use. Vehicular access for residential use shall be brought to within fifty (50) feet of the ground floor entrances or the ground floor landing of a stairway, ramp or elevator leading to dwelling units, or in the case of commercial or industrial uses, vehicular access shall be brought to within fifty (50) feet of the primary ground floor entrances.

- e. Required sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the sidewalk or curb of the public street or streets which provide the required access and egress.
- f. Applications for building permits shall be referred to the Planning Commission for review when in the opinion of the building official the access proposed would cause such hazardous traffic conditions to exist or would provide such inadequate access for emergency vehicles or would in any other way, cause such hazardous traffic conditions to exist or would provide such inadequate access for emergency vehicles or would in any other way, cause such hazardous conditions to exist as to constitute a clear and present danger to the public health, safety and general welfare.
- g. The standards set forth in this ordinance are minimum standards for access and egress, and may be increased by the Planning Commission in any particular instance where the standards provided herein are deemed insufficient.

#### SECTION 200-2 - MINIMUM ACCESS REQUIREMENTS FOR RESIDENTIAL USES

- a. Access and egress for Single Family and Duplex Residential uses shall not be less than the following:

DWELLING UNITS	MINIMUM NUMBER REQUIRED	MINIMUM WIDTH	MINIMUM PAVEMENT SIDEWALKS ETC.
1	1	10 ft.	none
2	2	10 ft.	hard surface pavement over 80% of
	or 1	20 ft.	required access width; no curbs or sidewalks required
3-5	1	30 ft.	
6 and above	1	50 ft.	dedicated street with standard street improvements.

- b. Access and egress for Multi-Family Residential uses shall not be less than the following:

DWELLING UNITS	MINIMUM NUMBER REQUIRED	MINIMUM WIDTH	MINIMUM PAVEMENT SIDEWALKS ETC.
3 - 19	1	30 ft.	hard surface pavement over 80% of required access width; no curbs or sidewalks required.

## ACCESS - 200

DWELLING UNITS	MINIMUM NUMBER REQUIRED	MINIMUM WIDTH	MINIMUM PAVEMENT SIDEWALKS ETC.
20 - 49	1	40 ft.	hard surface pavement over 80% of required access width; no curbs or sidewalks required
	or 2	30 ft.	
50 - 100	1	50 ft.	hard surface pavement 36 feet wide; curbs required; sidewalks not required.
	or 2	40 ft.	hard surface pavement 32 feet wide; no curbs required; sidewalks not required.
over 100	as required by planning com- mission	as required by planning commission	as required by plan- ning commission.

## SECTION 200-3 - MINIMUM ACCESS REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL USES

Access and egress for Commercial and Industrial uses shall not be less than the following:

REQUIRED PARKING SPACES	MINIMUM NUMBER REQUIRED	MINIMUM WIDTH	MINIMUM PAVEMENT SIDEWALKS ETC.
1 - 99	1	30 ft.	hard surface pavement over 80% of required access width; no curbs required; 5 foot side- walk one side only when abutting dedicated streets with sidewalks.
100 - 249	2	30 ft.	hard surface pavement over 80% of required access width; no curbs required; 5 foot side- walk one side only when abutting dedicated streets with sidewalks.
	1	50 ft.	
250 and over	as required by planning commission	as required by planning commission	as required by planning commission.

SECTION 200-4 - WIDTH AND LOCATION OF CURB CUTS

- a. Minimum curb cut width shall be 15 feet.
- b. Maximum curb cut width shall be as determined by the City Engineer.
- c. No curb cuts shall be allowed within five feet of an adjacent property line except when two adjacent property owners elect to provide joint access to their respective properties, as provided in Section 200-1 (b).
- d. No curb cuts shall be allowed within 30 feet of an intersecting street right-of-way.
- e. There shall be a minimum distance of 30 feet between any two adjacent curb cuts on the same property.

## CHAPTER 210 - SUPPLEMENTARY PROVISIONS

### SECTION 210-1 - AUTHORIZATION OF SIMILAR USES

The Planning Commission may rule that a use, not specifically named in the allowed uses of a zone, shall be included among the allowed uses if the use is of the same general type and is similar to the allowed uses. However, this section does not authorize the inclusion of a use specifically listed in another zone.

### SECTION 210-2 - PROVISIONS REGARDING ACCESSORY USES

Accessory uses shall comply with all requirements for the principal use except where specifically modified by this ordinance and shall comply with the following limitations:

- a. Fences and hedges, uncovered decks and similar landscaping features may be located within yards but shall not conflict with vision clearance requirements.
- b. A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales.
- c. No separate permit shall be issued for the construction of any type of accessory building prior to that of the main dwelling.

### SECTION 210-3 - PROJECTIONS FROM BUILDINGS

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than two feet into a required yard or into required open space as established by coverage standards.

### SECTION 210-4 - CONTINUANCE OF MINIMUM ORDINANCE REQUIREMENTS

No lot area, yard or other open space or required off-street parking or loading area existing on or after the effective date of this ordinance shall be reduced in area, dimension or size below the minimum required by this ordinance, nor shall any lot area, yard or other open space or off-street parking or loading area which is required by this ordinance for one use be used as the lot area, yard, or other open space or off-street parking or loading area requirement for any other use except as provided in Section 210-2 (c) and 190-1 (c).

SECTION 210-5 - PROHIBITION OF PUBLIC NUISANCES

No building, structure, or land shall be occupied or used for any purpose which creates or causes to be created any public nuisance, including but not limited to excessive odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration or any hazard to the general health, safety and welfare as defined by Ordinances of the City of Tigard, Statutes of the State of Oregon, or by the decisions of any court of competent jurisdiction. (See especially Tigard City Ordinance 62-17)

SECTION 210-6 - ENCLOSURE OR SCREENING REQUIRED

- a. Except as otherwise permitted under the Conditional Use Provisions of this Ordinance, all business, service, repair, processing, storage, or merchandise display shall be conducted wholly within an enclosed building.
- b. When permitted under the Conditional Use Provisions of this Ordinance, all business, service, repair, processing, storage or merchandise display not conducted within an enclosed building may be required to be screened from the view of all adjacent properties by a sight obscuring fence not less than five feet nor more than seven feet in height and/or by landscaping of such a height and density as may be prescribed by the Planning Commission.

SECTION 210-7 - GENERAL EXCEPTION TO LOT SIZE REQUIREMENTS

If at the time of passage of this ordinance, a lot, or the aggregate of contiguous lots held in a single ownership, has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by a use permitted outright in the zone subject to the other requirements of the zone and providing, if there is an area deficiency, residential use shall be limited to a single-family residence.

SECTION 210-8 - GENERAL EXCEPTIONS TO YARD REQUIREMENTS

- a. Except for that portion of the setback which is listed in subsection (b) of this section, the following exception to the front yard requirement for a dwelling is authorized for a lot in any zone. If there are dwellings on both abutting lots with front yards of less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.

b. In all zones, vision clearance areas shall be maintained between all intersecting streets (except alleys) extending twenty feet (20') back from the right-of-way intersection along both sides of the spaces between the intersecting streets. Except for occasional tree trunks or poles, these areas shall be maintained without sight obstruction of any kind for a vertical distance between three feet (3') and ten feet (10') above the ground.

c. To permit or afford better light, air and vision on more heavily traveled streets and on streets of substandard width; to protect arterial streets; and to have the location of structures compatible with the need for the eventual widening of streets, a yard shall be provided abutting streets and portions of streets hereinafter named which shall be the number of feet set forth below in the right-hand column, measured at right angles to the centerline of the street and, unless otherwise described, measured from the fee title or dedicated right-of-way of the public way.

STREET

YARD REQUIRED

All of S.W. Pacific Highway within City 40 ft.

d. To permit or afford better light, air and vision on more heavily traveled streets and on streets of substandard width; to protect arterial streets; and to have the location of structures compatible with the need for the eventual widening of streets, a setback shall be provided abutting streets and portions of streets herein-after named which shall be greater than the required yard dimension specified in the zone by the number of feet set forth below in the right-hand column, measured at right angles to the centerline of the street and, unless otherwise described, measured from the centerline of the street as constructed and improved with a hard surface pavement, or where not paved, from the center line or general extension thereof of the street right-of-way:

STREET

ADDITIONAL SETBACK

All of S.W. Greenburg Rd. within City	30 ft.
" " S.W. Walnut St.	30 "
" " S.W. Highway 217	30 "
" " S.W. Tigard Ave.	30 "
" " S.W. Burnham St.	30 "
" " S.W. Durham Rd.	30 "
" " S.W. 72nd Ave.	30 "
" " S.W. Pfaffle	30 "
" " S.W. McDonald St.	30 "
" " S.W. Ash Ave.	30 "
" " S.W. Hunziker	30 "
" " S.W. Bonita Rd.	30 "



<u>STREET</u>	<u>YARD REQUIRED</u>
All of S.W. Bull Mt. Rd. within city	30 ft.
" " S.W. Gaarde " "	30 ft.
All existing streets within city with less than 50 feet of right-of-way	25 feet

#### SECTION 210-9 - GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS

- a. The following types of structures or structural parts are not subject to the building height limitations of this ordinance: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, masts, aerials, cooling towers, elevator shafts, transmission towers, smokestacks, flagpoles, radio and television towers, and other similar projections.
- b. Building heights in any zone may be increased as a conditional use to a maximum permitted height of 75 feet provided that the total floor area of the buildings does not exceed the area requirement of the zone (if any) and provided that in residential zones all yards shall have a minimum depth of not less than one-half the height of the principal structure.

#### SECTION 210-10 - FIRE ZONES

- a. Fire zones as established in the City of Tigard by adoption of the Uniform Building Code, promulgated by the International Conference of Building Officials, shall conform to land use zones or districts and are hereby classified and designated as follows:

<u>LAND USE ZONE</u>	<u>FIRE ZONE</u>
R-7 Single Family Residential	3
R-15 "	3
R-30 "	3
A-2 Multi-Family Residential	3
M-3 Light Industrial	2
M-2 Industrial Park	2
C-4 Neighborhood Commercial	2
C-3 General Commercial	2

- b. Fire zones shall run concurrently with the land use zones and are changed automatically by changes in land use classification as may occur from time to time by amendment to the zoning ordinance.

CHAPTER 220 - NONCONFORMING USES AND STRUCTURES

SECTION 220-1 - CONTINUATION OF NONCONFORMING USES OR STRUCTURES

Subject to the provisions of Sections 220-1 through 220-5, a nonconforming structure or use may be continued but shall not be altered or extended, except as provided herein.

SECTION 220-2 - AUTHORIZATION TO GRANT OR DENY REINSTATEMENT OF A DISCONTINUED NONCONFORMING USE

Following the procedure set forth in Section 250-1 to 250-4 the Planning Commission may authorize the reinstatement or resumption of a discontinued nonconforming use subject to the following limitations:

- a. If a nonconforming use is discontinued from active use, it shall not be reinstated or resumed unless specifically approved by the Planning Commission.
- b. If a nonconforming use is changed, it shall be changed only to a use conforming with the zoning regulations and once changed it shall not be changed back again to the original nonconforming use.
- c. If a nonconforming structure or a structure containing a nonconforming use is destroyed or damaged by any cause to an extent requiring the discontinuance of the use while effecting repairs, a future structure or use on the property shall conform to the provisions of this ordinance unless reinstatement or resumption of the original structure is specifically approved by the Planning Commission.

SECTION 220-3 - AUTHORIZATION TO GRANT OR DENY ENLARGMENT OF A NONCONFORMING USE OR STRUCTURE

Following the procedure set forth in Section 250-1 to 250-2 the Planning Commission may authorize the enlargement of a nonconforming use or structure subject to the following limitations:

- a. A nonconforming use may be permitted to enlarge up to twenty (20) percent in floor area or, in those cases not involving structures, up to ten (10) percent in land area as existing on the effective date of this ordinance.
- b. A structure conforming as to use but nonconforming as to setback or yard may be altered or extended providing the alternation or extension does not result in a violation of this ordinance.

Noncon. Uses & Structures - 220

SECTION 220-4 - COMPLETION OF BUILDING

Nothing contained in this ordinance shall require any change in the plans, alteration, construction, or designated use of a building for which a building permit has been issued and construction work has commenced prior to the adoption of this ordinance, except that if the designated use will be nonconforming it shall, for the purpose of Section 220-3, be a discontinued use if not in operation within one year of the date of issuance of the building permit.

SECTION 220-5 - UNOCCUPIED BUILDING

If a building is unoccupied on the effective date of this ordinance, it shall be classified as a discontinued use and a nonconforming use and can be reinstated or resumed under the provisions of Section 220-3 only if such use were the last use of record on the property.

SECTION 220-6 - APPLICATION FOR REINSTATEMENT OR ENLARGMENT OF A  
NON-CONFORMING USE

A request for reinstatement or enlargement of a non-conforming use may be initiated by a property owner or his authorized agent by filing an application with the City Recorder. The application shall be accompanied by a fee of \$25.00.

CHAPTER 230 - CONDITIONAL USES

SECTION 230-1 - AUTHORIZATION TO GRANT OR DENY CONDITIONAL JSSES

Following the procedures set forth in Section 250-1 to 250-4, uses designated in this ordinance as "conditional uses permitted" may be permitted or enlarged or altered upon authorization of the Planning Commission. In permitting a conditional use the Planning Commission may impose, in addition to the regulations and standards expressly specified by this ordinance, other conditions found necessary to protect the best interests of the surrounding property or neighborhood or the city as a whole. The conditions may include requirements increasing the required lot size or yard dimensions, controlling the location and number of vehicular access points to the property, increasing street width, increasing the number of off-street parking or loading spaces required, limiting the number of signs, limiting the coverage of height of buildings because of obstruction to view or reduction of light or air to adjacent property, requiring sight-obscuring fencing and landscaping where necessary to reduce noise or glare or maintain the property in a character in keeping with the surrounding area, and requirements under which any future enlargement or alteration of the use shall be reviewed by the Planning Commission and new conditions imposed. Change in use, expansion or contraction of site area, or alteration of structures or uses classified as conditional existing prior to the effective date of this ordinance, shall conform to the regulations pertaining to conditional uses. If the site is found inappropriate for the use requested, the Planning Commission may deny approval of the conditional use.

SECTION 230-2 - APPLICATION FOR A CONDITIONAL USE

A request for a conditional use or modification of an existing conditional use may be initiated by the property owner or his authorized agent by filing an application with the City Recorder. The applicant shall submit a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The application shall be accompanied by a fee of \$25.00.

## CHAPTER 240 - VARIANCES

### SECTION 240-1 - AUTHORIZATION TO GRANT OR DENY VARIANCES

Following the procedures set forth in Section 250-1 to 250-4, the Planning Commission may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this ordinance would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this ordinance.

### SECTION 240-2 - CONDITIONS FOR GRANTING A VARIANCE

No variance shall be granted by the Planning Commission unless it can be shown that all of the following conditions exist:

- a. Exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.
- b. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.
- c. The authorization of the variance shall not be materially detrimental to the purposes of this ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any city development plan or policy.
- d. The variance requested is the minimum variance from the provisions and standards of this ordinance which will alleviate the hardship.

### SECTION 240-3 - APPLICATION FOR A VARIANCE

A request for a variance may be initiated by a property owner or his authorized agent by filing an application with the City Recorder upon forms prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The application shall be accompanied by a fee of \$25.00.

CHAPTER 250 - PROCEDURE FOR ALLOWING OR DISALLOWING VARIANCES, CONDITIONAL USES AND REINSTATEMENT OR ENLARGEMENT OF NONCONFORMING USES

SECTION 250-1 - PUBLIC HEARING REQUIRED

Within 40 days after the filing of an application for a variance, conditional use, reinstatement or enlargement of a nonconforming use, the Planning Commission shall hold a public hearing thereon, before rendering its decision. At least five days but not more than 20 days prior to the date of hearing, the City Recorder shall give written notice of the hearing by mail to all owners of property abutting or directly across a street from the lot or parcel of land on which the variance is requested, and shall notify owners of any other lot or land parcel which he deems affected by the proposed variance, conditional use, reinstatement or enlargement of a nonconforming use, using for this purpose the names and addresses of owners as shown upon the records of the County Assessor. Failure of a person to receive this notice shall not invalidate any proceedings in connection with said application.

SECTION 250-2 - RECESS OF HEARING BY PLANNING COMMISSION

The Planning Commission may recess a hearing on a request for a variance, conditional use, reinstatement or enlargement of a nonconforming use in order to obtain additional information or to serve further notice upon other property owners or persons who it decides may be interested in said request. Upon recessing for this purpose, the Planning Commission shall announce the time and date when the hearing will be resumed.

SECTION 250-3 - ACTION OF THE PLANNING COMMISSION

The Planning Commission may attach conditions to an authorized variance, conditional use, reinstatement or enlargement of a nonconforming use which it feels are necessary to protect the public interest and carry out the purpose of this ordinance. The City Recorder shall notify the applicant in writing of the Planning Commission's action.

SECTION 250-4 - APPEAL FROM DECISION OF PLANNING COMMISSION

Any person aggrieved by a final determination of the Planning Commission may appeal said determination to the City Council as provided in Section 270-2.

## CHAPTER 260 - AMENDMENTS TO THE ZONING ORDINANCE

### SECTION 260-1 - AUTHORIZATION TO INITIATE AMENDMENTS

An amendment to the text or the zoning map of this ordinance may be initiated by the City Council, by the Planning Commission, or by application of the property owner or his authorized agent. The Planning Commission shall, within 40 days after a hearing, recommend to the council approval, disapproval, or modification of the proposed amendment.

### SECTION 260-2 - APPLICATION AND FEE

An application for amendment by a property owner or his authorized agent shall be filed with the City Recorder. The application shall be accompanied by a fee of \$50.00.

### SECTION 260-3 - PLANNING COMMISSION HEARING ON AN AMENDMENT

Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing thereon. Notice of time and place of the public hearing before the Planning Commission and the purpose of the proposed amendment shall be given by the City Recorder in the following manner.

- a. If an amendment to the zoning map including an area of less than ten acres is proposed, the notice shall be by mailing written notice not less than ten days prior to the date of hearing to owners of property within lines parallel to and 300 feet from the exterior boundaries of the property involved, using for this purpose the names and addresses of the owners as shown upon the current tax roll of the county assessor. Failure to send notice to a person specified in this section or failure of a person to receive the notice shall not invalidate any proceedings in connection with the proposed change.
- b. If an amendment to the text of this ordinance or a change in zone of an area of ten acres or more is proposed, the notice shall be by two publications in a newspaper of general circulation in the city once a week for two consecutive weeks prior to the hearing.

### SECTION 260-4 - RECESS OF HEARING

The Planning Commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose, the Planning Commission shall announce the time and date when the hearing will be resumed.

SECTION 260-5 - MODIFICATION OF A PROPOSED AMENDMENT

The boundaries or classification of a proposed amendment (zone change) effecting the zoning map but not effecting the zoning text, may be modified by the applicant or by the Planning Commission, provided that said change in boundaries or classification effects no new areas not previously described in the notice of Planning Commission Hearing, and provided that said change in classification will not result in a more intense land use than previously described in the notice of Planning Commission Hearing.

SECTION 260-6 - CITY COUNCIL HEARING ON AN AMENDMENT

- a. Following the prescribed hearing before the Planning Commission, a written report containing the findings and recommendations of the Planning Commission shall be forwarded to the City Council by the City Recorder or Clerk.
- b. Upon receipt of the Planning Commission's recommendation, the City Council shall set the time and place for a public hearing before the City Council on the proposed amendment.
- c. Notice for the Council Hearing shall be given in the manner prescribed in ORS 227.260.
- d. The City Council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose, council shall announce the time and date when the hearing will be resumed.

SECTION 260-7 - APPROVAL OF AMENDMENT TO ZONING MAP

In granting an amendment to the zoning map, upon application by a property owner or his authorized agent the council may require the dedication of additional street right-of-way where an officially adopted street plan indicates need for increased width or where the nature of the proposed development warrants increased street width, and the council may require permanent landscape screening or other devices to minimize conflict with residential land use.

SECTION 260-8 - NOTIFICATION OF ACTION

The City Recorder shall notify the applicant in writing of the city's action within five days after the decision has been rendered.



**SECTION 260-9 - RECORD OF AMENDMENTS**

The City Recorder shall maintain a record of amendments to the text and map of this ordinance in a form convenient for the use of the public, and in accordance with Section 100-5.

## CHAPTER 270 - ADMINISTRATION, ENFORCEMENT AND INTERPRETATION

### SECTION 270-1 - ENFORCEMENT

The city building inspector shall have the power and duty to enforce the provisions of this ordinance. An appeal from a ruling of the recorder and building inspector shall be made to the city Planning Commission.

### SECTION 270-2 - APPEAL TO THE CITY COUNCIL

An action or ruling of the Planning Commission authorized by this ordinance may be appealed to the city council within 15 days after the commission has rendered its decision by filing written notice with the City Recorder. If no appeal is taken within the 15 day period, the decision of the commission shall be final. If an appeal is filed, the council shall receive a report and recommendation from the Planning Commission and shall hold a public hearing on the appeal. Notice of the public hearing shall be by one publication in a newspaper of general circulation in the city not less than five days nor more than ten days prior to the date of the hearing.

### SECTION 270-3 - FORMS OF PETITIONS, APPLICATIONS, AND APPEALS

Petitions, applications, and appeals provided for in this ordinance shall be made on forms provided for the purpose or as otherwise prescribed by the Planning Commission in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. Applications for a building permit shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the exact size and locations on the lot of the buildings and other structures, existing and proposed; the existing and intended use of each building, structure or part thereof; the number of families to be accommodated, if any; and such other information as is needed to determine their conformance with the provisions of this ordinance and of the building code.

### SECTION 270-4 - TEMPORARY PERMITS

The building official shall issue temporary permits for buildings to be constructed and used for storage incidental to construction of buildings on the property.

### SECTION 270-5 - INTERPRETATION

The provisions of this ordinance shall be held to be the minimum requirements fulfilling its objectives. Where the conditions imposed by any provisions of this ordinance are less restrictive than comparable

conditions imposed by any other provisions of this ordinance or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.

SECTION 270-6 - SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 270-7 - PENALTY

A person violating a provision of this ordinance shall, upon conviction thereof, be punished by imprisonment for not to exceed 10 days or by a fine not to exceed \$100.00, or both. A person violating a provision of this ordinance shall be deemed guilty of a separate offense for each day during which the violation continues.

## CHAPTER 280 - DEFINITIONS

As used in this ordinance the masculine includes the feminine and neuter and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

1. Accessory Structure or Use. A structure or use incidental and subordinate to the main use of the property, including a home occupation, which is located on the same lot with the main use and contributes to the comfort or convenience of persons occupying the property, but not including the keeping of livestock other than ordinary household pets.
2. Alley. A narrow street through or partially through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
3. Apartment House. See dwelling, multi-family.
4. Billboard. See sign.
5. Boarding, Lodging or Rooming House. A building where lodging with or without meals is provided for compensation for not less than three nor more than 15 guests.
6. Building. A structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind but excluding driveways, walks, and similar slab construction not exceeding the surrounding ground level by six inches.
7. City. The City of Tigard, Oregon.
8. Commission. The City Planning Commission of Tigard.
9. Dwelling, Duplex; or Dwelling, Two-Family. A detached building containing two dwelling units.
10. Dwelling, Multi-Family. A building containing three or more dwelling units.
11. Dwelling, Single-Family. A detached building containing one dwelling unit.
12. Dwelling Unit. One or more rooms designed for occupancy by one family and not having more than one cooking facility, but excluding a trailer coach except when located in a trailer park.
13. Family. An individual, or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a

dwelling unit in which board and lodging may also be provided for not more than three additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit.

14. Fence, Sight Obscuring. A fence or evergreen planting arranged in such a way as to obstruct vision.
15. Floor area. The area included in surrounding walls of a building or portion thereof, exclusive of vents shafts and courts.
16. Garage, Private. An accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.
17. Garage, Public. A building other than a private garage used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.
18. Garden Store. A retail store for the sale of garden supplies and plants that are used in the care and development of residential property.
19. Grade (ground level). The average of the finished ground level at the center of all walls of the building. In case a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.
20. Height of Building. The vertical distance from the "grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the point midway between the ridge and the eaves of a pitch or hip roof.
21. Home Occupation. A lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with no servant, employe or other person being engaged, provided that:
  - a. The residence character of the building is maintained.
  - b. The activity occupies less than one-quarter of the ground floor area of the main building.
  - c. The activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the

right of neighboring residents to enjoy the peaceful occupancy of their homes.

22. Hospital. An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service on a continuous basis.
23. Hotel. A building in which lodging is provided for guests for compensation and in which no provision is made for cooking in the lodging rooms.
24. Kenel. A lot or building in which four or more dogs or cats at least four months of age are kept commercially for board, propagation or sale.
25. Lot. A parcel or tract of land.
26. Lot Area. The total horizontal area within the lot lines of a lot.
27. Lot, Corner. A lot abutting on two intersecting streets other than an alley.
28. Lot Depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.
29. Lot, Interior. A lot other than a corner lot.
30. Lot Line. The property line bounding a lot.
31. Lot Line, Front. The lot line or lines separating the lot from any street or streets other than an alley.
32. Lot Line, Rear. A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular or other shaped lot a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.
33. Lot Line, Side. Any lot line intersecting or connecting with front or rear lot lines.
34. Lot Width. The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
35. Motel or Auto Court. A building or group of buildings on the same lot containing guest units with separate entrances from the building exterior and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities, for rental to transients.

36. Nonconforming Structure or Use. A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located.
37. Parking Space. A rectangle not less than 20 feet long and 8.5 feet wide together with maneuvering and access space required for a standard American automobile to park within the rectangle.
38. Person. Every natural person, firm, partnership, association or corporation.
39. Sign. A presentation or representation, other than a house number, by words, letters, figures, designs, pictures or colors publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation or a request for aid, or other type of advertising. This includes the surface upon which the presentation or representation is displayed. Each display surface of a sign shall be considered to be a sign.
40. Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.
41. Street. The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and including the terms "road", "highway", "lane", "place", "avenue", "alley" or other similar designations.
42. Structure. That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.
43. Structural Alteration. A change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders or the roof.
44. Trailer Coach. A building or vehicle originally designed or presently constructed to be used as a human dwelling or lodging place and to be movable from place to place over streets.

45. Trailer Park. A plot of ground upon which one or more trailer coaches occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for such accomodation.
46. Use. The purpose for which land or a structure is designed, arranged, or intended or for which it is occupied or maintained.
47. Vision Clearance Area. A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The vision clearance area contains no planting, walls, structures or temporary or permanent obstructions exceeding 30 inches in height, except occasional tree trunks or poles. The vision clearance area shall be measured from the top of the curb or, if there is no curb, from the centerline street grade and extend upward 10 feet.
48. Setback or Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.
49. Setback, Front Yard. A setback or yard abutting any street other than an alley and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building.
50. Setback, Rear Yard. A setback or yard abutting the rear lot line and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the main building.
51. Setback, Side Yard. A setback or yard between the front and rear yard measured horizontally and at right angles to the side lot line from the side lot line to the nearest point of the building.
52. Yard. See definition 39, Setback or Yard.



SECTION 290 - REPEALER

Concurrently with the effective time and date of this ordinance, Ordinance No.63-6 enacted by the City Council on May 13, 1963 and Sections 5 and 6 of Ordinance No.63-8 enacted by the City Council on June 24, 1963, and all sections of any other ordinance heretofore enacted by the Council in conflict herewith, be, and the same are, hereby repealed and shall have no force or effect after the effective time and date of this ordinance.

Effective Date

This Ordinance shall become and be effective on and after the 31st day from its passage by the Council and approval by the Mayor.

PASSED: By the Council, by unanimous vote of all Council members present, after being read three times by title and number this 13th day of March, 1967.

Minnie L. Andrews  
Recorder - City of Tigard

APPROVED: By the Mayor, this 13th day of March, 1967.

Ed. A. Kyle  
Mayor - City of Tigard

217.8'

400'

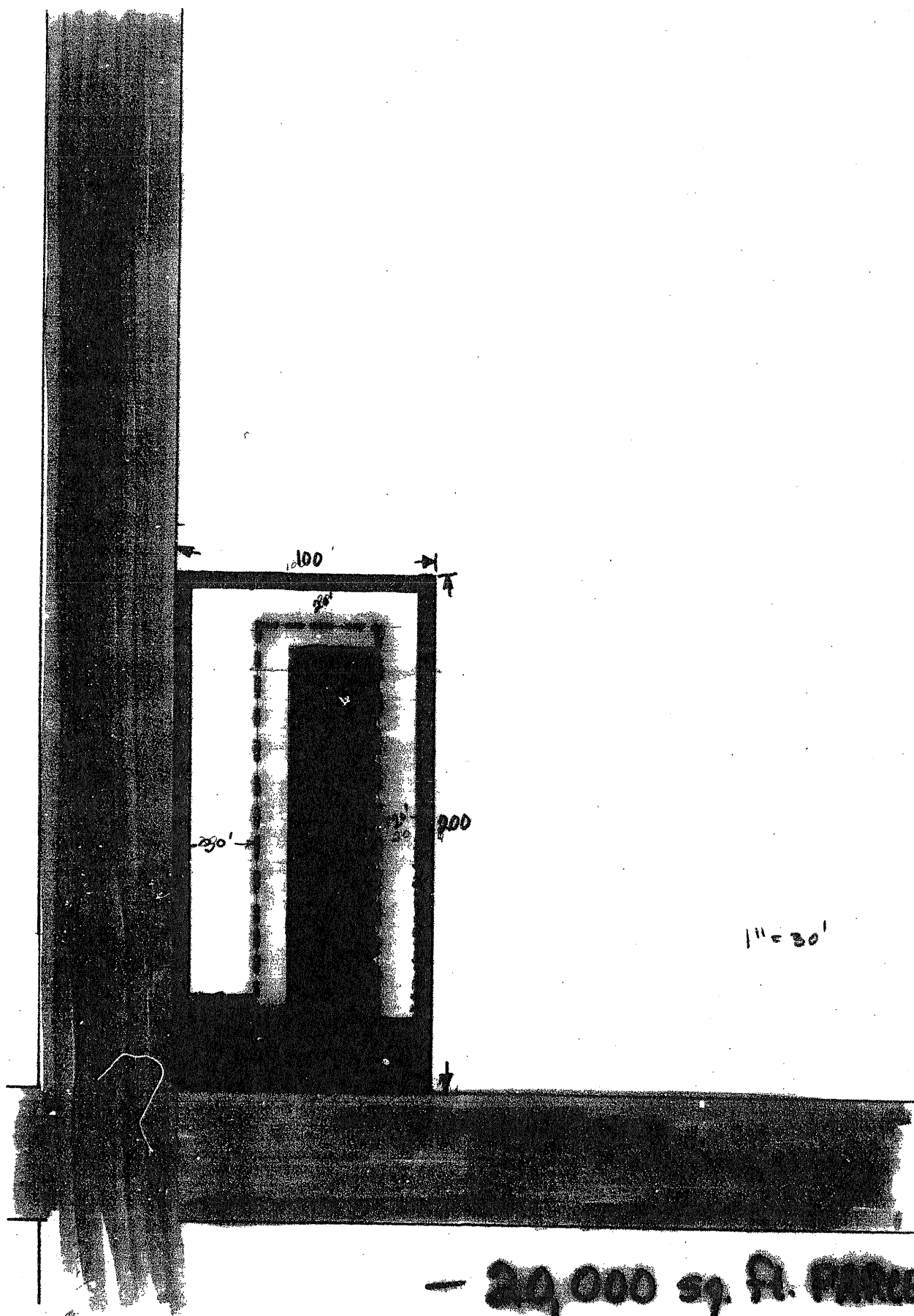
STREET

1"=30'

STREET

- 2 AC. PARCEL -

20% LANDSCAPING  
25% COVERAGE



- 20,000 sq. ft. FLOOR



CITY OF TIGARD, OREGON

ORDINANCE No.69- 35

AN ORDINANCE RATIFYING AND CONFIRMING THE APPLICABILITY OF THE CONDITIONAL-USE PROVISIONS OF ORDINANCE No.67-21 "CITY OF TIGARD ZONING ORDINANCE OF 1967" AS AMENDED, TO CERTAIN SIGNS AND BILLBOARDS; DEFINING SIGNS AND BILLBOARDS AFFECTED HEREBY; DEFINING AND PRESCRIBING ADDITIONAL LIMITATION REQUIREMENTS FOR CERTAIN SIGN AND BILLBOARDS; PRESCRIBING LIMITATIONS ON DURATION AND PROVIDING FOR THE CESSATION OF NON-CONFORMING SIGNS AND BILLBOARDS; PRESCRIBING FEES AND PENALTIES; FIXING EFFECTIVE DATE AND DECLARING AN EMERGENCY.

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THE CITY OF TIGARD ORDAINS AS FOLLOWS:

Section 1: The City Council finds that undue activity is occurring with respect to the construction of certain signs and billboards in the City of Tigard and that applications for use of property for such purpose have been approved by the City without due regard to the procedural requirements for conditional uses under the provisions of Ordinance No.67-21 "City of Tigard Zoning Ordinance of 1967" as amended, and the Council desires hereby to declare, ratify and confirm the applicability of such provisions.

Section 2: That the Council further finds that it is necessary to promote the public health and welfare and to preclude unsightliness and to secure provision for adequate light, air and access, that additional regulatory provisions be adopted forthwith with respect to the use of property for display and advertising purposes through the media of certain signs and billboards.

Section 3: DEFINITIONS: Unless the context of this ordinance otherwise requires:

- (a) BILLBOARD or SIGN shall mean a structure either free-standing or superimposed upon a building or other structure, which is designed for, and has surface space provided for, the display of advertising either by posting, painting or affixing of advertising materials publicizing products, services, slogans or information designed for public viewing, not directly related to the use of the particular property upon which the display is located.
- (b) BUSINESS OF OUTDOOR ADVERTISING shall mean the business of constructing, erecting, operating, using, maintaining, leasing or selling signs or space on billboards, but does not include the placing, erecting, constructing, using or maintaining on any property of signs or billboards pertaining exclusively to the business conducted upon or utilizing the tract of land upon which such sign or billboard is displayed.

Section 4: EXEMPT SIGNS.

- (1) This ordinance does not apply to signs
- (a) Erected and maintained by or under authority of any federal, state, county or city authority for the purpose of conveying information, warnings, distances or directions to persons upon the highway or throughway.
  - (b) Erected and maintained by any public officer or body for the purpose of giving a notice required by law or by a court.
  - (c) Located within 300 feet of the advertised business, advertising only the name or nature of the business being conducted on, or the products, facilities, goods or services being sold, supplied or distributed on or from the premises on which the sign is located.
  - (d) Erected and maintained by a public utility for the purpose of giving warning of the location of an underground cable or other installation.

(2) This ordinance shall not be construed to permit the erection or maintenance of any sign that is prohibited under any law of the State of Oregon.

Section 5: OCCUPATIONAL PERMITS REQUIRED: Any person or organization conducting or intending to conduct the business of "outdoor advertising" as hereinabove defined, as a condition precedent to the issuance of a conditional-use permit, shall comply with the requirements of Ordinance No. 63-5 as amended by Ordinance No. 65-13 relating to the licensing of trades, shops, occupations, professions, businesses and callings, and shall pay a business license fee hereby required and prescribed in the sum of \$25.00.

Section 6: CONDITIONAL-USE PERMITS REQUIRED: No person or organization shall construct, erect, place, use or maintain on any land, tract or lot within the City of Tigard, any sign or billboard as hereinabove defined for use in the business of outdoor advertising as hereinabove defined, without first complying with the procedures required by Ordinance No. 67-21 "City of Tigard Zoning Ordinance of 1967" as amended, with respect to conditional uses, and then only after approval and in accordance with the requirements of Ordinance No. 67-21 as amended, and all conditional uses which may be authorized shall otherwise conform to the requirements of the zone classification applicable to the lands upon which the business of outdoor advertising is conducted.

Section 7: COMPLIANCE WITH BUILDING CODE: No person or organization shall construct, erect, place, use or maintain on any land, tract or lot within the City of Tigard, any sign or billboard as hereinabove defined for use in the business of outdoor advertising

as hereinabove defines, without first complying with that section of Ordinance No. 67-53 "Building Code" pertaining to signs, as set forth in "1967 Edition - Uniform Building Code - Volume V - Signs".

Section 8: SIGN AND BILLBOARD FEES: No person or organization shall engage or continue in the business of outdoor advertising whose activities include construction, erection, operation, use, maintenance, leasing or selling of display space or display services on any billboard or sign as hereinabove defined within the City of Tigard, without first filing an application for a permit from the office of the Building Official, in such form as that office may prescribe, for each sign or billboard to be so constructed, erected, operated, maintained or used for the leasing or selling of display space; to be accompanied by annual sign or billboard permit fee as follows:

- (1) \$2.00 if the advertising area does not exceed 50 square feet
- (2) \$3.00 if the advertising area exceeds 50 but does not exceed 200 square feet
- (3) \$4.00 if the advertising area exceeds 200 but does not exceed 500 square feet
- (4) \$5.00 if the advertising area exceeds 500 square feet but does not exceed 900 square feet
- (5) \$7.50 if the advertising area exceeds 900 square feet but does not exceed 1,200 square feet
- (6) \$10.00 if the advertising area exceeds 1,200 square feet

Section 9: PROVISIONS APPLICABLE TO PERMITS: REVOCATION OF PERMITS:

(1) Permits shall be issued for the calendar year and may be renewed by payment of the applicable annual permit fee for the new year without the filing of a new application. Fees shall not be prorated for fractions of the year. Only one sign permit is required for a sign with multiple display surfaces. Separate permits are required for separate signs.

(2) Advertising copy or the display surface or display surfaces of a sign may be changed or cutouts may be attached or removed without paying an additional fee or obtaining a new permit; provided, however, that a new fee is required if the advertising area of the sign is increased beyond that for which the original fee was paid, and no portion of the original fee shall be applied thereon. A new fee and a new permit are required for a change in location or for the reconstruction of a sign and no portion of the original fee shall be applied thereon.

Section 10: SIGNS TO BE MARKED WITH PERMIT NUMBERS: The Building Official shall assign to every permit issued by his office a separate identification number; and each permittee shall fasten to each sign a weatherproof label or marker which shall be furnished by the City and on which is the permit number. The permittee shall comply with regulations issued by the Building Official's office as to placement of the label or marker so that it may be seen from the highway. The absence, from a sign, of such a label or marker is prima facie evidence that the sign does not comply with this ordinance.

Section 11: REMOVAL OF NON-CONFORMING SIGNS:

(1) No sign prohibited by this ordinance shall be erected or maintained except as provided in this section.

(2) Any sign lawfully erected before the effective date of this ordinance, and not conforming to the provisions hereof, shall be removed by its owner before seven (7) years after the effective date of this ordinance.

Section 12: REMOVAL OF SIGNS NOT COVERED BY PERMITS OR NOT MAINTAINED BY LICENSED PERSONS:

(1) Any sign in violation of this ordinance hereby is declared to be a public and private nuisance and the Building Official may enter upon private property and remove such sign after notice, if any, as hereinafter required, without incurring any liability therefor.

(2) If the sign does not bear the name and address of its owner or if the owner is not readily identified and located, the Building Official may remove it immediately.

(3) (a) If the sign bears the name and address of its owner, or if the owner of the sign is readily identified and located, the Building Official shall notify the owner that the sign is in violation of this ordinance and that the owner has thirty (30) days from the date of the notice within which to make the sign comply with this ordinance, or to remove the sign, or to request a hearing before the City Council in accordance with the procedures set forth in Ordinance No. 67-21 "City of Tigard Zoning Ordinance of 1967" Sections 250-4, 270-2 and 270-3 pertaining to appeals from denial of application for conditional-use permit.

(b) If the sign is not made to comply with this ordinance, or is not removed, and if the owner does not request a hearing within the time required, or if the owner after a hearing fails to comply with the final order in the proceedings, the Building Official may remove and destroy or otherwise dispose of the sign.

(4) The Building Official shall, after removing a sign in accordance with subsection (2) of this section, place it in storage for 30 days while he makes a further effort to find its owner. If the owner cannot be found within that time, the Building Official may, without incurring any liability therefor, destroy or otherwise dispose of the sign. If the owner is found within that time, he may be required to remove the sign from storage; and if he is found at any time, the Building Official may recover from him the cost of storage. This cost is in addition to the cost of removal under subsection (5) of this section.

(5) The owner is liable for, and the Building Official may collect, the costs of removing a sign as determined by the Building Official on the basis of actual costs of removal or on a square foot flat fee basis.

(6) If a sign does not bear the name and address of its owner, the advertisement thereon of the goods, products, facilities, services or business of a person or commercial enterprise is prima facie evidence of ownership of the sign by that person or commercial enterprise.

Section 13: PENALTIES: Any violation of this ordinance, upon conviction, shall be punishable by a fine of not more than \$100., or imprisonment for not more than thirty (30) days, or both.

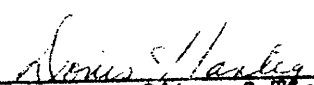
The provisions of this ordinance may, at the option of the City, in addition to the penalties above prescribed, be enforced by injunctive proceedings in the Circuit Court of the State of Oregon for the County of Washington, and in any such proceedings, in addition to all other remedies, the Court may allow such sum as and for the City's costs and attorney's fees as may be just and equitable in the premises.

Section 14: VALIDITY: Should any section or provision of this ordinance be determined by a court of competent jurisdiction to be unconstitutional or invalid, such decree shall not affect the validity of any other part hereof or the remaining portions of this ordinance as a whole.

Section 15: EFFECTIVE DATE: Inasmuch as the City of Tigard does not now have any effective control with respect to the subject matter of this ordinance, and it is necessary for the peace, health and safety of the people of the City of Tigard that provision be made for regulation of outdoor advertising and the erection of signs and billboards, as herein defined, without delay, an emergency is hereby declared to exist and this ordinance shall be effective upon its passage by the City Council and approval by the Mayor.

PASSED: By unanimous vote of all Council members present, after being read three times by number and title only,

This 14<sup>th</sup> day of April, 1969.

  
Recorder - City of Tigard

APPROVED: By the Mayor, this 14<sup>th</sup> day of April, 1969.

  
Mayor - City of Tigard



CITY OF TIGARD, OREGON

ORDINANCE No. 70- 32

AN ORDINANCE ADOPTING THE REPORT OF THE CITY PLANNING COMMISSION WITH RESPECT TO REVISIONS AND AMENDMENTS TO ORDINANCE No. 67-21 AS AMENDED, ORIGINALLY ENACTED BY THE CITY COUNCIL ON MARCH 13, 1967, AND ENACTING OR RE-ENACTING REGULATIONS AND RESTRICTIONS WITH RESPECT TO HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS; THE PART AND PERCENTAGE OF ANY LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES; LOCATION AND USE OF BUILDINGS AND PREMISES FOR TRADE, INDUSTRIAL, RESIDENTIAL AND OTHER PURPOSES; DEFINING AND RE-DEFINING DISTRICTS AND THE BOUNDARIES OF DISTRICTS; PROVIDING FOR CHANGES AND MODIFICATIONS TO THE REGULATIONS AND RESTRICTIONS REGULATING NON-CONFORMING USES; DEFINING CERTAIN TERMS IN CONNECTION THEREWITH; PROVIDING PENALTIES FOR VIOLATION THEREOF; PRESCRIBING EFFECTIVE DATE; REPEALING ORDINANCE No. 67-21 AND ALL AMENDMENTS THERETO EFFECTIVE WITH THE EFFECTIVE DATE HEREOF, AND DECLARING AN EMERGENCY.

THE CITY OF TIGARD ORDAINS AS FOLLOWS:

CHAPTER I - PREAMBLE

Section 1: The City Council finds that for more than a year last past the City Planning Commission and its staff has conducted a searching review and re-study of the zoning pattern and land use map of the Tigard area, giving particular regard to the trend in use and development of lands, and as a result thereof prepared a land use map; and the Council further finds that the City Planning Commission and its staff as a result of said study and survey has caused to have prepared a re-draft of the zoning ordinances of the City of Tigard embodying therein proper and current provisions of Ordinance No. 67-21 and amendments, and, after due and legal notice, the Planning Commission held and conducted a public meeting and hearing with respect to said revisions and recodifications on May 19, 1970, whereafter the Planning Commission recommended to the City Council the adoption of the recodification of the zoning ordinances of the City of Tigard.

Section 2: The Council further finds that the Council reviewed the proposed recodification as redrafted by the Planning Commission and by resolution duly passed at its meeting of May 25, 1970, a hearing was called to be held with respect thereto on June 8, 1970; and the Council further finds:

a) That said meeting and hearing was duly and regularly held on June 8, 1970 and by motion duly made, seconded and passed, said hearing was continued to June 22, 1970.

b) That on June 22, 1970 further hearing was conducted, and by motion duly passed, said hearing was continued to the regular meeting of the Council of July 13, 1970, whereat further hearing was afforded interested persons, and on motion duly passed, the hearing was continued to the Council meeting of July 27, 1970.

c) That at the meeting of July 27, 1970, further hearing was afforded all interested persons with respect to recodification of said zoning ordinance, and on motion duly passed, the hearing was continued to August 10, 1970 when further hearing was duly and regularly held.

d) That at all of said sessions, the general public and all persons particularly interested, were afforded adequate opportunity to be heard with respect to the proposed adoption of said recodification of the zoning ordinance.

e) That with respect to each of the public hearings and continuances thereof and the purposes to be thereby served, due and legal notice was given in the manner provided by law and that all proceedings were conducted in accordance with the requirements of Chapter 227 Oregon Revised Statutes.

Section 3: The City Council further finds that the said report of the Planning Commission and the contents of Ordinance No. 67-21 and all amendments thereto and the zoning districts thereby defined, are in the public interest and are reasonable, proper and necessary for the health, comfort, convenience, preservation of the public peace, safety, morals, order and the public welfare, and the regulations and restrictions are appropriately designed to promote the public health, safety and general welfare, giving reasonable consideration among other things to the character of each of the districts involved, its peculiar suitability for particular uses, conservation of property values and the direction of building and use development in accordance with a well-considered plan, and the Council further finds that said regulations and restrictions are uniform for each class of buildings throughout each district and are designed to secure safety from fire and other danger and to promote public health and welfare and to provide for adequate light, air and reasonable access, and in all manner of things conform to the requirements of law.

\* \* \* \* \*

#### SECTION 290 - REPEALER

Concurrently with the effective time and date of this ordinance, Ordinance No. 67-21 enacted by the City Council on March 13, 1967 and all amendments to same heretofore enacted, and all sections of any other ordinances heretofore enacted by the Council in conflict or inconsistent herewith, be, and the same are, hereby repealed.

#### SECTION 290-1 - EFFECTIVE DATE

Inasmuch as it is necessary for the peace, health and safety of the people of the City of Tigard to clearly define and establish without delay the revisions and recodification of the zoning and land use regulations of the City of Tigard and to provide a legal means of controlling the location, development, use and occupancy of land and to protect the public health, safety and general welfare of the people of the City of Tigard, an emergency is hereby declared to exist and this Ordinance shall be effective upon its enactment by the Council and approval by the Mayor.

PASSED: By the Council, by unanimous vote of all Council members after being read three times by number and title only,  
this 24th day of August, 1970

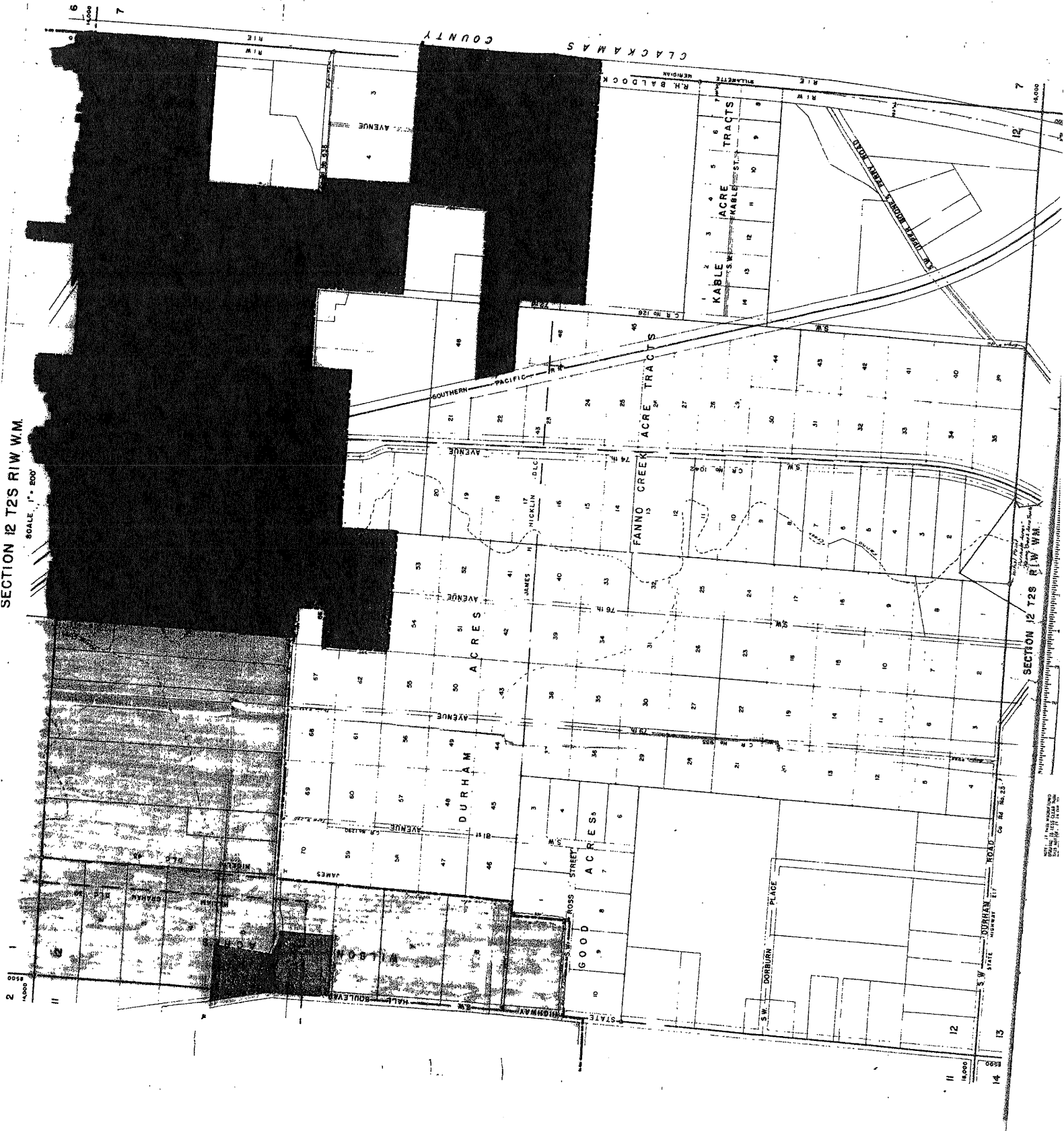
Donis Hartley  
Recorder - City of Tigard

APPROVED: By the Mayor, this 24th day of August, 1970

Elvin J. Kline  
Mayor - City of Tigard

SECTION 12 T2S R1W W.M.

SCALE 1" = 200'



SECTION 12 T2S R1W W.M.

SCALE 1" = 200'



# SECTION 4 T2S RIW WM.

SCALE 1" = 200'

T1S RIW

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S.W. SCROLLS PERRY ROAD

HANDY ACRES

WALNUT STREET

VISTA LAKE

AVENUE

ADMINISTRATION

POWER

BOONEVILLE

SECTION 4 T2S RIW WM.

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CITY OF TIGARD

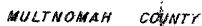
NY: Alvin Karpis  
World Bldg, City of Chicago

Doris Harris, City

**CITY OF WISCONSIN  
LEGEND OF ZONING DISTRICTS  
AND COLOR KEY**

- |      |                                |
|------|--------------------------------|
| R-30 | SINGLE FAMILY RESIDENTIAL      |
| R-15 | SINGLE FAMILY RESIDENTIAL      |
| R-7  | SINGLE FAMILY RESIDENTIAL      |
| A-2  | MULTI-FAMILY RESIDENTIAL       |
| C-5  | UNITED NEIGHBORHOOD COMMERCIAL |
| C-4  | NEIGHBORHOOD COMMERCIAL        |
| C-3  | GENERAL COMMERCIAL             |
| M-4  | INDUSTRIAL PARK                |
| M-3  | LIGHT INDUSTRIAL               |
| M-2  | GENERAL INDUSTRIAL             |

## SCALE 1" = 200'















ADOPTED AS THE ZONING MAP FOR THE CITY OF TIOND  
 PREPARED BY THE CITY ENGINEER AND THE CITY PLANNING  
 DEPARTMENT, AND APPROVED BY THE CITY COUNCIL, ON THE 24th DAY OF MARCH  
 1979, RESOLUTION NUMBER 11, 1979.

CITY OF TIOND  
 BY: *[Signature]*  
 DEPUTY CITY ENGINEER  
 BY: *[Signature]*  
 CITY PLANNING DEPARTMENT

**CITY OF TIOND  
 LEGEND OF ZONING DISTRICTS  
 AND COLOR KEY**

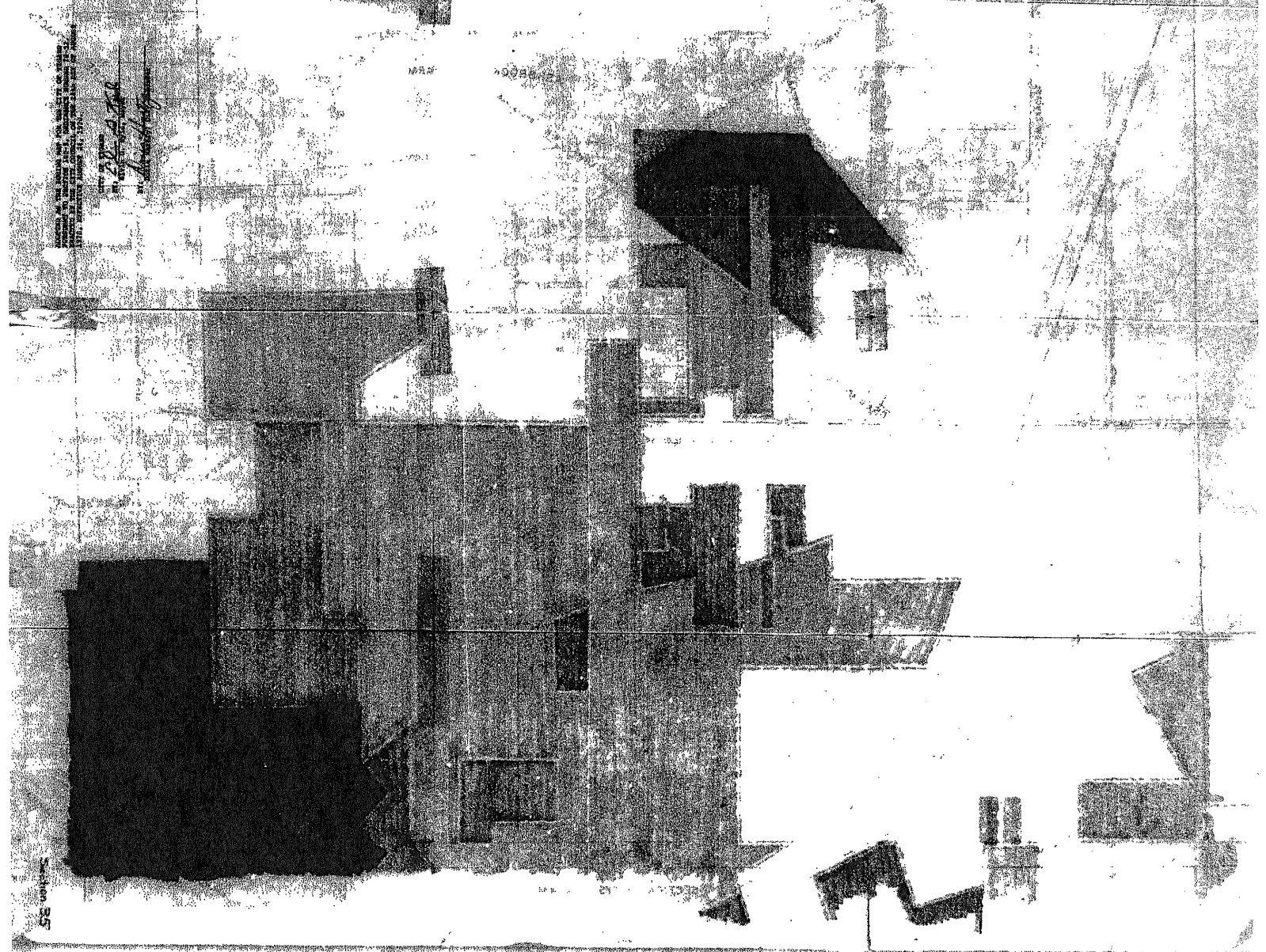
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	R-15	SINGLE FAMILY RESIDENTIAL
	R-7	SINGLE FAMILY RESIDENTIAL
	A-2	MULTI-FAMILY RESIDENTIAL
	C-5	LIMITED NEIGHBORHOOD COMMERCIAL
	C-4	NEIGHBORHOOD COMMERCIAL
	C-3	GENERAL COMMERCIAL
	M-4	INDUSTRIAL PARK
	M-3	LIGHT INDUSTRIAL
	M-2	GENERAL INDUSTRIAL

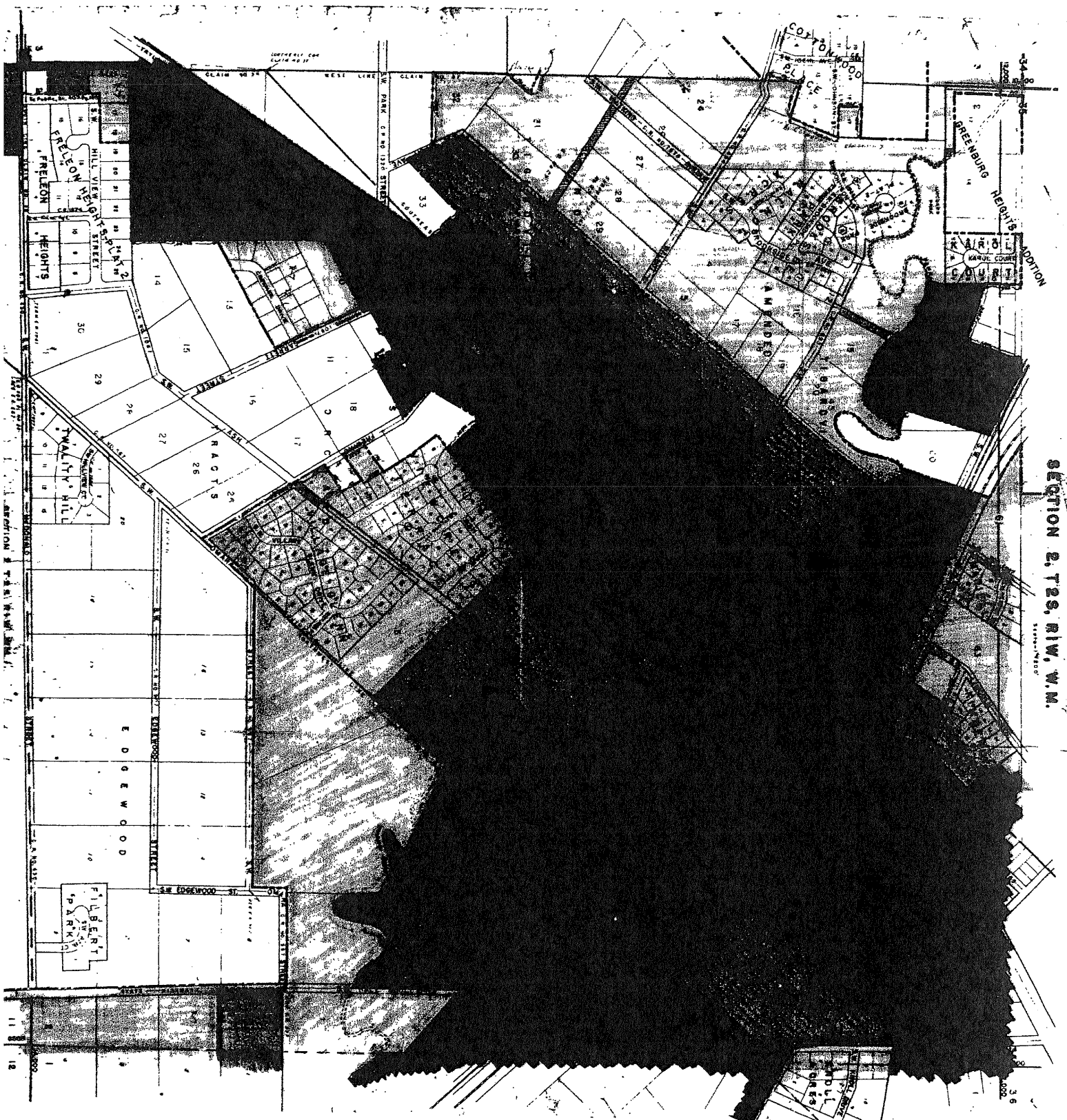


CITY OF TAMPA  
LEGEND OF ZONING DISTRICTS  
SUNSHINE CITY

R-30	SINGLE FAMILY RESIDENTIAL
R-15	SINGLE FAMILY RESIDENTIAL
R-7	SINGLE FAMILY RESIDENTIAL
A-2	MULTI-FAMILY RESIDENTIAL
C-5	LIMITED NEIGHBORHOOD COMMERCIAL
C-4	NEIGHBORHOOD COMMERCIAL
C-3	GENERAL COMMERCIAL
M-4	INDUSTRIAL PARK
L-3	LIGHT INDUSTRIAL
M-2	GENERAL INDUSTRIAL

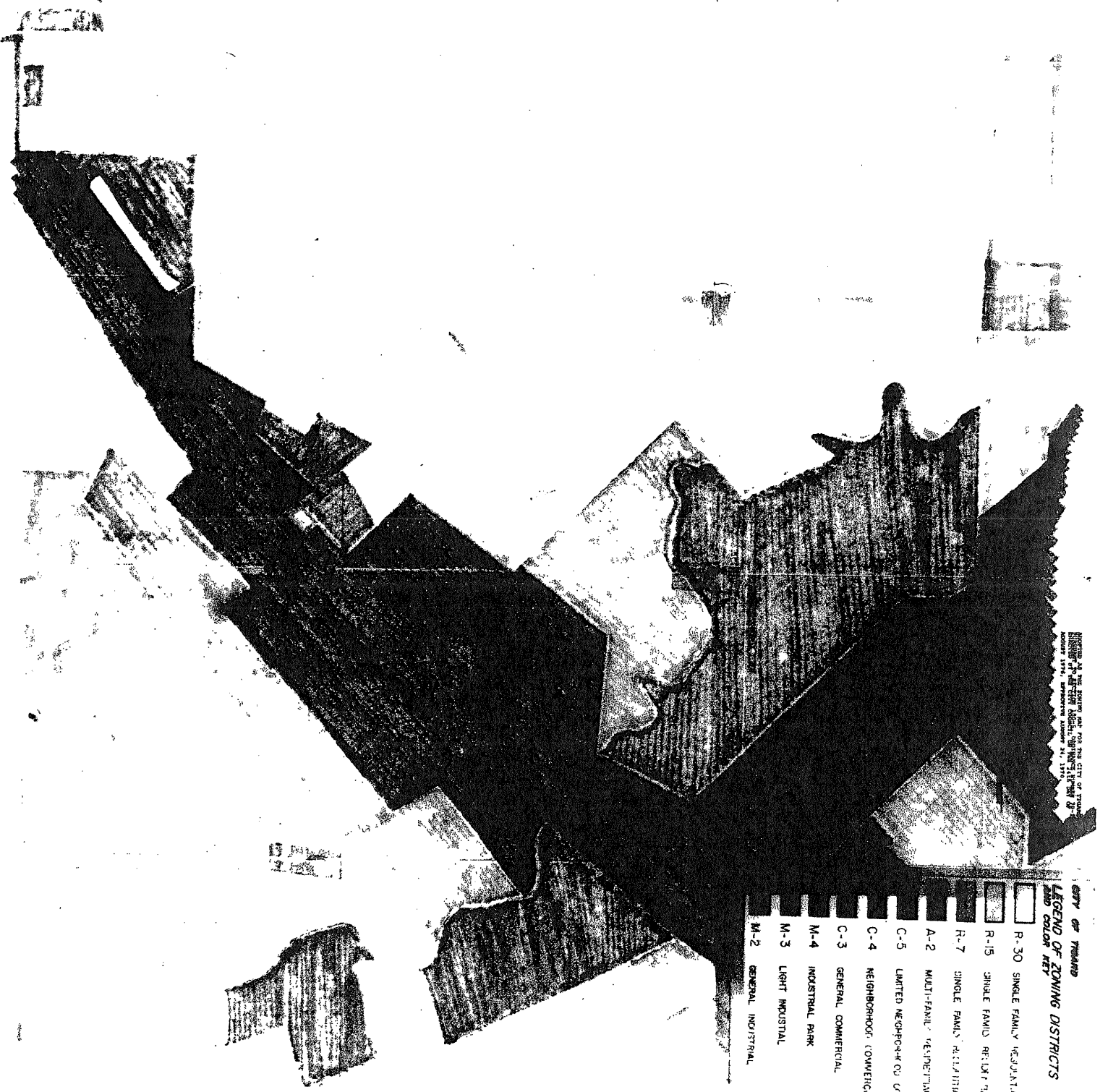
APPROVED BY THE BOARD OF CITY COMMISSIONERS  
ON MAY 11, 2011  
FOR THE CITY OF TAMPA  
BY: *[Signature]*  
CITY CLERK





SECTION 2, T.2S, R.1W, W.M.

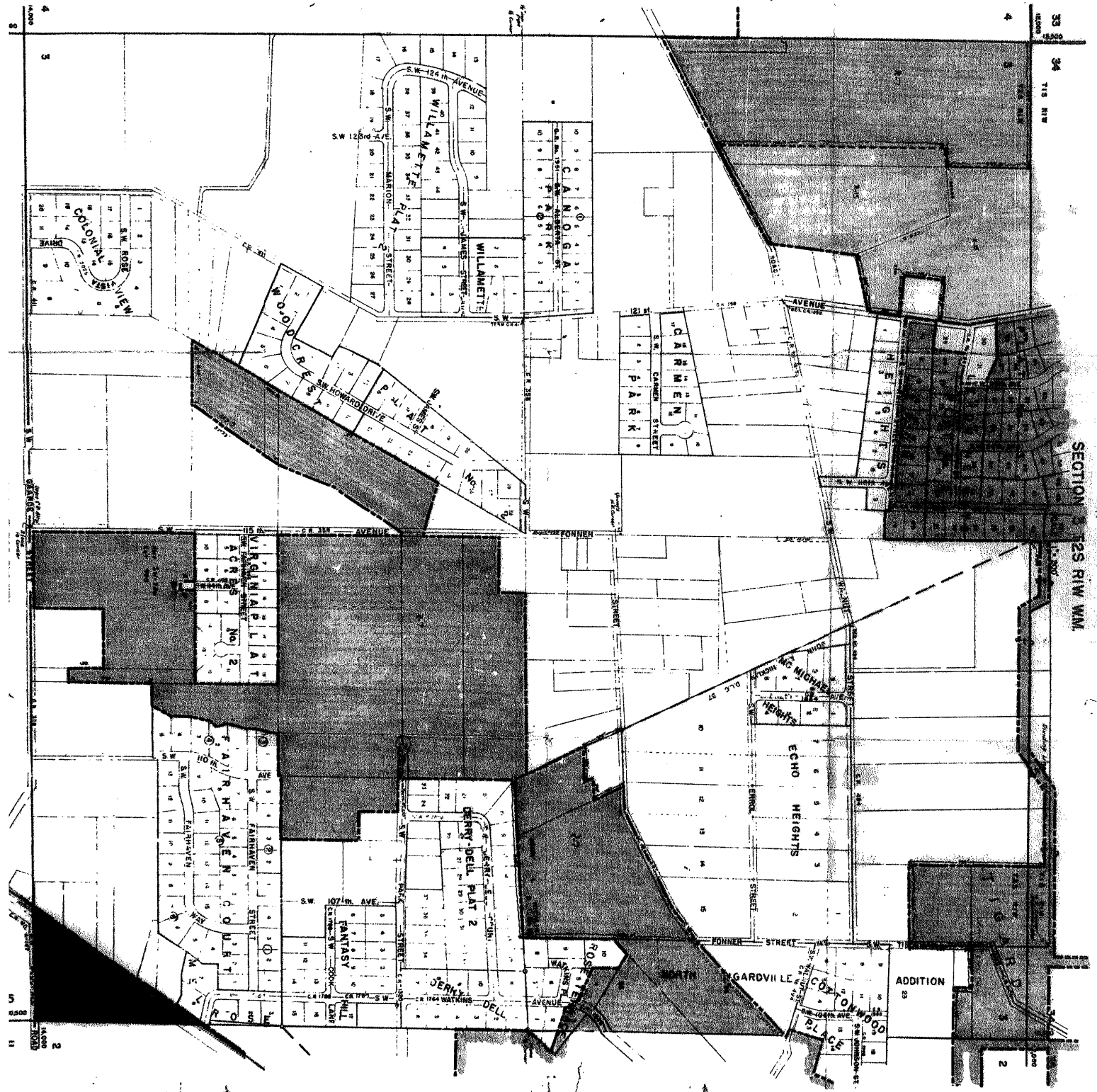
1894-1900



DIVISION OF PLANNING AND ZONING  
 CITY OF CHICAGO  
 1978

**CITY OF CHICAGO**  
**LEGEND OF ZONING DISTRICTS**  
**AND COLOR KEY**

- ☐ R-30 SINGLE FAMILY RESIDENTIAL
- ☐ R-15 SINGLE FAMILY RESIDENTIAL
- ☐ R-7 SINGLE FAMILY RESIDENTIAL
- ☐ A-2 MULTI-FAMILY RESIDENTIAL
- ☐ C-5 LIMITED NEIGHBORHOOD COMMERCIAL
- ☐ C-4 NEIGHBORHOOD COMMERCIAL
- ☐ C-3 GENERAL COMMERCIAL
- ☐ M-4 INDUSTRIAL PARK
- ☐ M-3 LIGHT INDUSTRIAL
- ☐ M-2 GENERAL INDUSTRIAL













SECTION 3 T2S R1W WM

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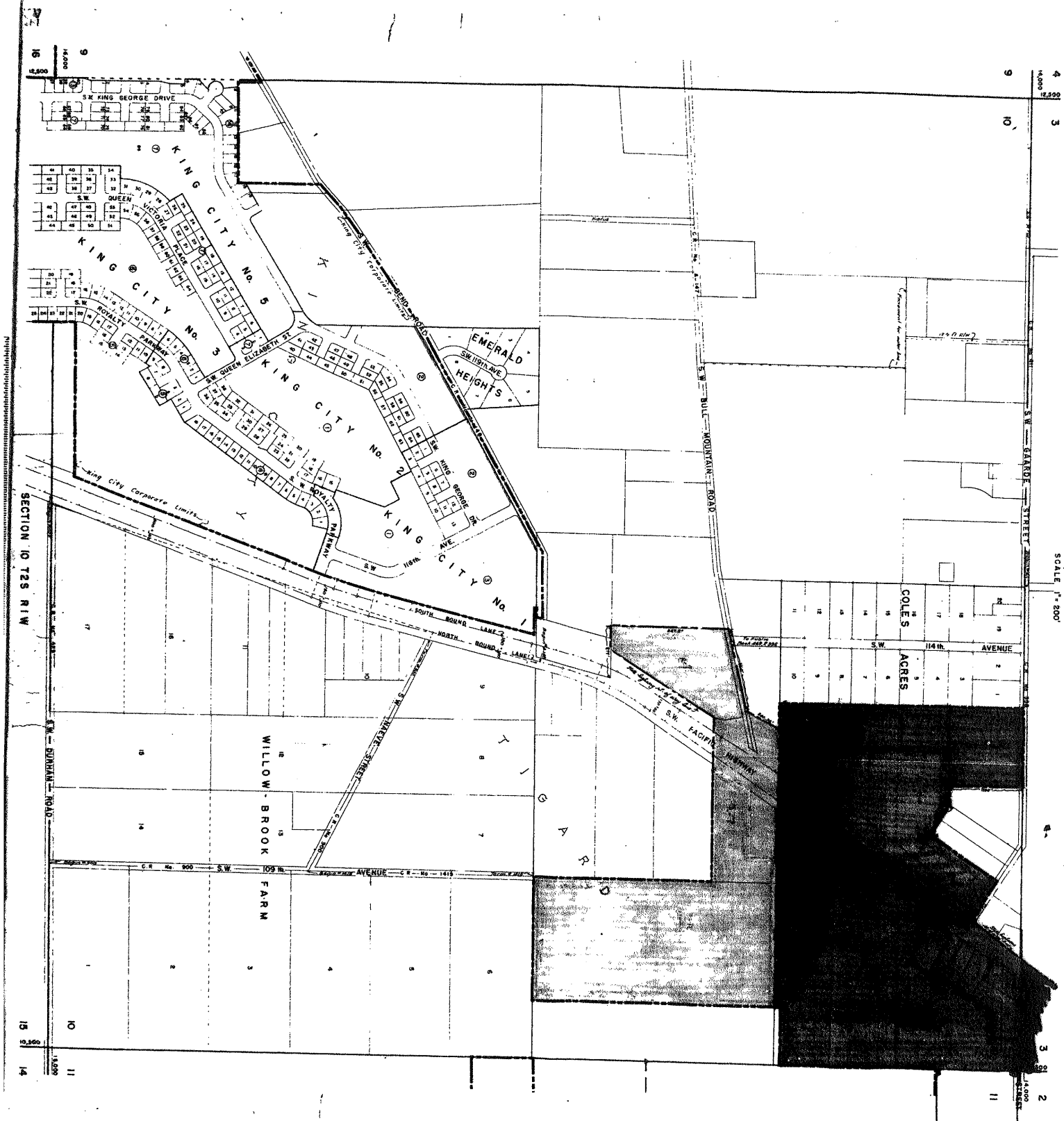


APPROVED BY THE BOARD OF CITY PLANNING AND ZONING  
ON MAY 14, 1970  
RECEIVED BY THE CITY CLERK  
ON MAY 14, 1970  
RECEIVED BY THE CITY CLERK  
ON MAY 14, 1970

**CITY OF TULSA**  
**LEGEND OF ZONING DISTRICTS**  
**AND COLOR KEY**

-  R-30 SINGLE FAMILY RESIDENTIAL
-  R-15 SINGLE FAMILY RESIDENTIAL
-  R-7 SINGLE FAMILY RESIDENTIAL
-  A-2 MULTI-FAMILY RESIDENTIAL
-  C-5 LIMITED NEIGHBORHOOD COMMERCIAL
-  C-4 NEIGHBORHOOD COMMERCIAL
-  C-3 GENERAL COMMERCIAL
-  M-4 INDUSTRIAL PARK
-  M-3 LIGHT INDUSTRIAL
-  M-2 GENERAL INDUSTRIAL

SCALE 1" = 200'



Section 10

APPROVED AS THE OFFICIAL MAP FOR THE CITY OF TOMBALL, TEXAS, BY THE CITY COUNCIL, ON THE 24TH DAY OF JANUARY, 1974, WHEREBY SIGNED BY THE CITY CLERK.

CITY OF TOMBALL  
BY: *[Signature]*  
CITY CLERK

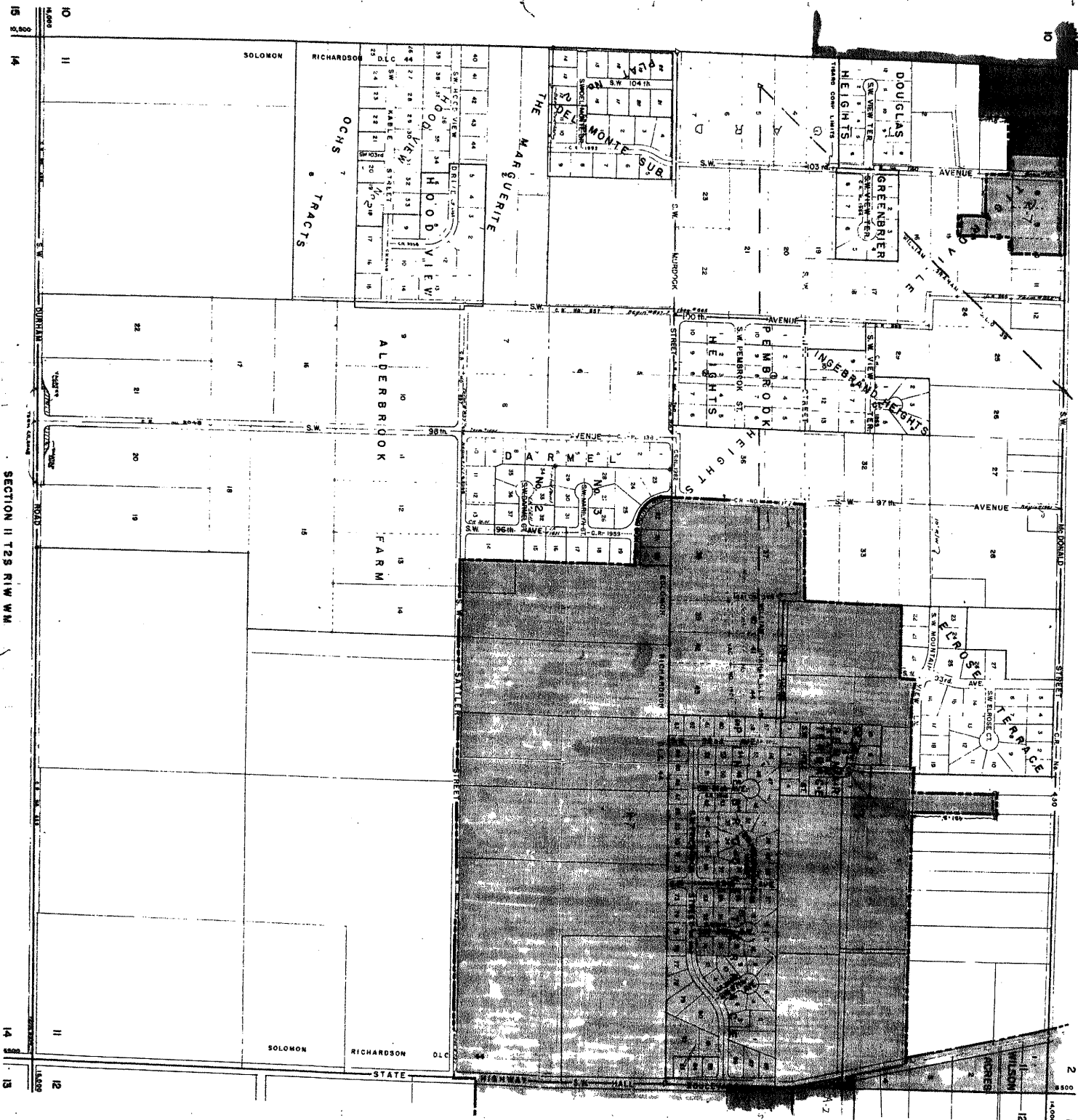
CITY OF TOMBALL  
LEGEND OF ZONING DISTRICTS  
AND COLOR KEY

- R-30 SINGLE FAMILY RESIDENTIAL
- R-15 SINGLE FAMILY RESIDENTIAL
- R-7 SINGLE FAMILY RESIDENTIAL
- A-2 MULTI-FAMILY RESIDENTIAL
- C-5 LIMITED NEIGHBORHOOD COMMERCIAL
- C-4 NEIGHBORHOOD COMMERCIAL
- C-3 GENERAL COMMERCIAL
- M-4 INDUSTRIAL PARK
- M-3 LIGHT INDUSTRIAL
- M-2 GENERAL INDUSTRIAL

Poor Original

Section 10

SECTION 11 T2S RIW WM.  
SCALE 1" = 200'

















APPROVED BY THE BOARD OF THE CITY OF TOLSON  
PLANNING & ZONING DEPARTMENT  
APPROVED BY THE CITY COMMISSIONER ON  
11/15/1971  
11/15/1971  
11/15/1971

DATE OF ZONING  
11/15/1971  
11/15/1971  
11/15/1971

**CITY OF TOLSON  
LEGEND OF ZONING DISTRICTS  
AND COLOR KEY**

-  R-30 SINGLE FAMILY RESIDENTIAL
-  R-15 SINGLE FAMILY RESIDENTIAL
-  R-7 SINGLE FAMILY RESIDENTIAL
-  A-2 MULTI-FAMILY RESIDENTIAL
-  C-5 LIMITED NEIGHBORHOOD COMMERCIAL
-  C-4 NEIGHBORHOOD COMMERCIAL
-  C-3 GENERAL COMMERCIAL
-  M-4 INDUSTRIAL PARK
-  M-3 LIGHT INDUSTRIAL
-  M-2 GENERAL INDUSTRIAL

SCALE 1"=500'

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34 35 36  
26 27 28  
34 35 36

26 27 28  
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SOUTHERN PACIFIC R.R.

W. W. BARNETT ROAD

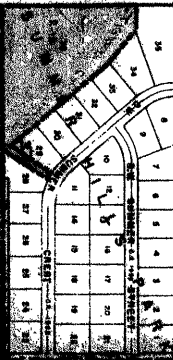
3-R

JOHN L. WICKLIN D.L.C. 34

3407A STREET

CHERRY HILL ACRES TRACTS

133 AVENUE













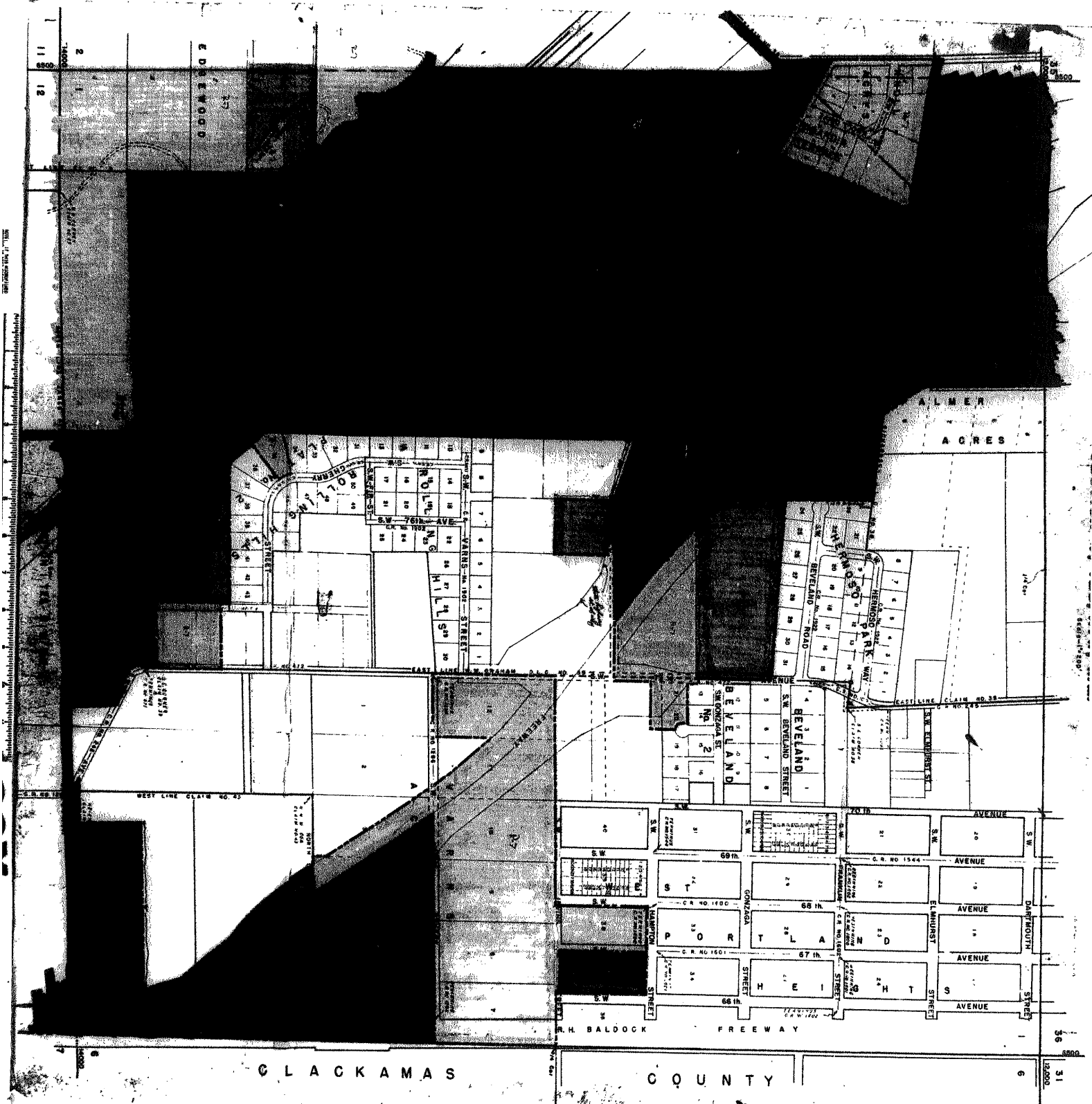
26 27 28  
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SOUTHERN PACIFIC R.R.

APPROVED BY THE BOARD OF THE CITY OF CHICAGO  
FOR THE CITY OF CHICAGO  
APPROVED BY THE BOARD OF THE CITY OF CHICAGO  
FOR THE CITY OF CHICAGO

CITY OF CHICAGO  
By *[Signature]*  
Deputy Mayor

**CITY OF CHICAGO  
LEGEND OF ZONING DISTRICTS  
AND COLOR KEY**

	R-30	SINGLE FAMILY RESIDENTIAL
	R-15	SINGLE FAMILY RESIDENTIAL
	R-7	SINGLE FAMILY RESIDENTIAL
	A-2	MULTI-FAMILY RESIDENTIAL
	C-5	LIMITED NEIGHBORHOOD COMMERCIAL
	C-4	NEIGHBORHOOD COMMERCIAL
	C-3	GENERAL COMMERCIAL
	M-4	INDUSTRIAL PARK
	M-3	LIGHT INDUSTRIAL
	M-2	GENERAL INDUSTRIAL













APPROVED BY THE BOARD OF THE CITY OF ST. LOUIS  
FOR THE CITY OF ST. LOUIS, MISSOURI, MAY 19, 1910.  
1910, STREETS AND ALLEYS, 1910, THE CITY OF ST. LOUIS,  
MISSOURI.

CITY OF ST. LOUIS

By *[Signature]*  
City Engineer

**CITY OF ST. LOUIS  
LEGEND OF ZONING DISTRICTS  
AND COLOR KEY**

-  R-30 SINGLE FAMILY RESIDENTIAL
-  R-15 SINGLE FAMILY RESIDENTIAL
-  R-7 SINGLE FAMILY RESIDENTIAL
-  A-2 MULTI-FAMILY RESIDENTIAL
-  C-5 LIMITED NEIGHBORHOOD COMMERCIAL
-  C-4 NEIGHBORHOOD COMMERCIAL
-  C-3 GENERAL COMMERCIAL
-  M-4 INDUSTRIAL PARK
-  M-3 LIGHT INDUSTRIAL
-  M-2 GENERAL INDUSTRIAL



CITY OF TIGARD, OREGON

ORDINANCE NO. 71 - 5

AN ORDINANCE RELATING TO OUTDOOR SIGNS VISIBLE FROM PUBLIC PROPERTY OR FROM PUBLIC RIGHTS-OF-WAY; PRESCRIBING REGULATIONS AND STANDARDS; PROVIDING FOR ADMINISTRATION AND PROCEDURES; REQUIRING LICENSES AND THE PAYMENT OF FEES; REPEALING ORDINANCE NO. 69-35; PROVIDING FOR PENALTIES; PRESCRIBING EFFECTIVE DATE AND DECLARING AN EMERGENCY.

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THE CITY OF TIGARD ORDAINS AS FOLLOWS:

CHAPTER I  
GENERAL PROVISIONS

Section 101: PURPOSE AND SCOPE.

The City Council finds that to protect the health, safety, property and welfare of the public, to improve the neat, clean, orderly and attractive appearance of the community, to improve the effectiveness of signs in identifying and advertising businesses, to provide for safe construction, location, erection, and maintenance of signs, to eliminate signs that demand rather than invite public attention and to prevent proliferation of signs and sign clutter, and to minimize adverse visual safety factors to public highway travelers, it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination and maintenance of all signs visible from public property or from public rights of way.

This ordinance shall not be construed to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other ordinance or state or federal law.

Section 102: SHORT TITLE.

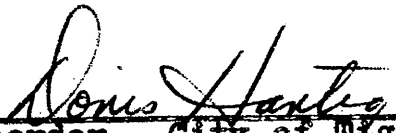
This ordinance shall be known as the "SIGN ORDINANCE" of the City of Tigard and may be so cited and pleaded and shall be referred to herein as This Ordinance.

Section 103: DEFINITIONS.

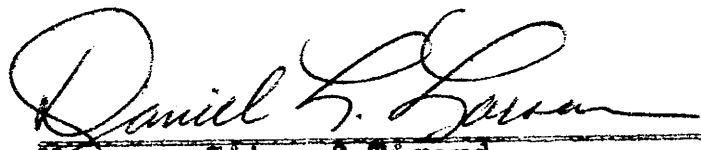
For the purpose of This Ordinance, words used in the present tense include the future, the singular number includes the plural,

**PASSED:** By unanimous vote of all Council members present, after  
being read three times by number and title only,

this 11th day of January, 1971.

  
Recorder - City of Tigard

**APPROVED:** By the Mayor, this 11th day of January, 1971.

  
Mayor - City of Tigard

Title 16SIGN REGULATIONSChapters:

<u>16.04</u>	<u>Purpose, Title</u>
<u>16.08</u>	<u>Definitions</u>
<u>16.12</u>	<u>Permits</u>
<u>16.16</u>	<u>Licenses</u>
<u>16.20</u>	<u>Identification</u>
<u>16.24</u>	<u>Nonconforming Signs</u>
<u>16.28</u>	<u>Removal Provisions</u>
<u>16.32</u>	<u>Board of Appeals</u>
<u>16.36</u>	<u>Zone Regulations</u>
<u>16.40</u>	<u>Special Types of Signs</u>
<u>16.44</u>	<u>Construction and Maintenance</u>
<u>16.48</u>	<u>Administration</u>

Chapter 16.04PURPOSE, TITLESections:

- 16.04.010 Purpose and scope.  
 16.04.020 Short title.

16.04.010 Purpose and scope. The city council finds that to protect the health, safety, property and welfare of the public, to improve the neat, clean, orderly and attractive appearance of the community, to improve the effectiveness of signs in identifying and advertising businesses, to provide for safe construction, location, erection, and maintenance of signs, to eliminate signs that demand rather than invite public attention and to prevent proliferation of signs and sign clutter, and to minimize adverse visual safety factors to public highway travelers, it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination and maintenance of all signs visible from public property or from public rights-of-way.

This title shall not be construed to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other ordinance or state or federal law. (Ord. 71-5 §101, 1971).



16.04.020 Short title. The ordinance codified in this title shall be known as the "sign ordinance" of the city of Tigard and may be so cited and pleaded and shall be referred to herein as "this title." (Ord. 71-5 §102, 1971).

## Chapter 16.08

### DEFINITIONS

#### Sections:

16.08.010	Generally.
16.08.020	Area.
16.08.030	Billboard.
16.08.040	Building official.
16.08.050	Business.
16.08.060	Business of outdoor advertising.
16.08.070	Construct.
16.08.080	Cutout.
16.08.090	Display surface.
16.08.100	Electrical sign.
16.08.110	Externally illuminated sign.
16.08.120	Face of a building.
16.08.130	Free-standing sign.
16.08.140	Freeway-oriented sign.
16.08.150	Flashing sign.
16.08.160	Frontage.
16.08.170	Incidental sign.
16.08.180	Incombustible material.
16.08.190	Internally illuminated sign.
16.08.200	Maintain.
16.08.210	Nameplate.
16.08.220	Nonstructural trim.
16.08.230	Off-premises sign.
16.08.240	Outdoor advertising sign.
16.08.250	Person.
16.08.260	Plastic material.
16.08.270	Premises.
16.08.280	Projecting sign.
16.08.290	Projection.
16.08.300	Roof sign.
16.08.310	Rotating or revolving sign.
16.08.320	Sign.
16.08.330	Sign structure.
16.08.340	Temporary sign.
16.08.350	Uniform Building Code.
16.08.360	Wall sign.

16.08.010 Generally. For the purpose of this title, words used in the present tense include the future, the

singular number includes the plural, "shall" is mandatory and not directory and "building" includes "structures" except "sign structures."

As used in this title, unless the context requires otherwise, the following words and phrases shall have the meanings set forth in this chapter. (Ord. 71-5 §103(part), 1971).

16.08.020 Area. "Area" or "area of a sign" means the entire area within any type of perimeter which encloses the outer limits of any writing, representation, emblem, figure or character. The area of a sign having no such perimeter or border shall be computed by enclosing the entire surface area within a parallelogram or triangle, then computing the area thereof. The area of all signs in existence January 11, 1971, whether conforming or nonconforming, shall be counted in establishing the permitted sign area of all new signs to be allowed for an individual business on a premises. Where a sign is of a three dimensional or round or irregular solid shape, the largest cross-section shall be used in a flat projection for the purpose of determining sign area. (Ord. 71-5 §103(part), 1971).

16.08.030 Billboard. For "billboard," see "outdoor advertising sign," Section 16.08.240. (Ord. 71-5 §103(part), 1971).

16.08.040 Building official. "Building official" means the person charged with the administration and enforcement of this title or his deputy. (Ord. 71-5 §103(part), 1971).

16.08.050 Business. "Business" means all of the activities carried on by the same legal entity on the same premises and includes eleemosynary, fraternal, religious, educational or social organizations. "Legal entity" includes individual proprietorships, partnerships, corporations, non-profit corporations, associations, or joint stock companies. (Ord. 71-5 §103(part), 1971).

16.08.060 Business of outdoor advertising. "Business of outdoor advertising" means the business of constructing, erecting, operating, using, maintaining, or leasing outdoor advertising signs. (Ord. 71-5 §103(part), 1971).

16.08.070 Construct. "Construct" means to build, erect, attach, hang, place, suspend or affix. (Ord. 71-5 §103(part), 1971).

16.08.080 Cutout. "Cutout" means every type of display in the form of letters, figures, characters, representations

or others in cutout or irregular form attached to or superimposed upon a sign or advertising sign. (Ord. 71-5 §103(part), 1971).

16.08.090 Display surface. "Display surface" means the area made available by the sign structure for the purpose of displaying the advertising or identification message. (Ord. 71-5 §103(part), 1971).

16.08.100 Electrical sign. "Electrical sign" means any sign containing electrical wiring. (Ord. 71-5 §103(part), 1971).

16.08.110 Externally illuminated sign. "Externally illuminated sign" means a sign illuminated from an external light source. (Ord. 71-5 §103(part), 1971).

16.08.120 Face of a building. "Face of a building" means all window and wall area of a building in one plane. (Ord. 71-5 §103(part), 1971).

16.08.130 Free-standing sign. "Free-standing sign" means a sign erected and mounted on a free-standing frame, mast or pole and not attached to any building. (Ord. 71-5 §103(part), 1971).

16.08.140 Freeway-oriented sign. "Freeway-oriented sign" means a sign primarily designed to be read by a motorist traveling on a highway designated by the Oregon State Highway Department as a freeway or expressway; specifically, these shall be Interstate 5, and Oregon State Highway #217, and shall not include U.S. Highway 99W. (Ord. 71-5 §103(part), 1971).

16.08.150 Flashing sign. "Flashing sign" means any sign which is illuminated by an intermittent or flashing light source or which is in any other way animated so as to create the illusion of movement without actual physical movement or the illusion of a flashing or intermittent light or light source. (Ord. 71-5 §103(part), 1971).

16.08.160 Frontage. "Frontage" means the length of the property line of any one premises along a public roadway. (Ord. 71-5 §103(part), 1971).

16.08.170 Incidental sign. "Incidental sign" means a sign advertising or identifying associated goods, products, services or facilities available on the premises, including, but not limited to, trading stamps, credit cards accepted or brand names. (Ord. 71-5 §103(part), 1971).

16.08.180 Incombustible material. "Incombustible material" means any material which will not ignite at, or below, a temperature of twelve hundred degrees Fahrenheit during an exposure of five minutes and which will not continue to burn or glow at that temperature when tested in accordance with standards established in the Uniform Building Code. (Ord. 71-5 §103(part), 1971).

16.08.190 Internally illuminated sign. "Internally illuminated sign" means a sign that has an internal source of illumination where the light source is not visible from the exterior of the sign. (Ord. 71-5 §103(part), 1971).

16.08.200 Maintain. "Maintain" means to permit a sign, sign structure or part thereof to continue or to repair or refurbish a sign, sign structure or part thereof. (Ord. 71-5 §103(part), 1971).

16.08.210 Nameplate. "Nameplate" means a sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located. (Ord. 71-5 §103(part), 1971).

16.08.220 Nonstructural trim. "Nonstructural trim" means the moldings, battens, caps, nailing strips and laticing, letters and walkways which are attached to a sign structure. (Ord. 71-5 §103(part), 1971).

16.08.230 Off-premises sign. "Off-premises sign" means any sign including, but not limited to, a painted sign, temporary sign, permanent sign or outdoor advertising sign, which sign advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or a sign which advertises a business or facilities not located on the premises on which the sign is located. (Ord. 71-5 §103(part), 1971).

16.08.240 Outdoor advertising sign. "Outdoor advertising sign" means a sign constructed, erected and maintained by a person licensed to engage in the business of outdoor advertising and which sign is an off-premises sign supported by a substantial permanent sign structure with a display surface or display surfaces primarily designed for the purpose of painting or posting advertising message thereon at periodic intervals, and where customarily, although not exclusively, the use of the display surface is leased to other persons. (Ord. 71-5 §103(part), 1971).

16.08.250 Person. "Person" means individuals, corporations, associations, firms, partnerships and joint stock companies but does not include governmental agencies. (Ord. 71-5 §103(part), 1971).

16.08.260 Plastic material. "Plastic material" means those materials made wholly or partially from standardized plastics listed and described in the Uniform Building Code or approved plastics which have been approved by the Underwriters Laboratory for use in construction of electrical signs. (Ord. 71-5 §103(part), 1971).

16.08.270 Premises. "Premises" means a lot or two or more lots on which are constructed or on which are to be constructed a building or a group of buildings designed as a unit. (Ord. 71-5 §103(part), 1971).

16.08.280 Projecting sign. "Projecting sign" means a sign other than a wall sign which projects from a building. (Ord. 71-5 §103(part), 1971).

16.08.290 Projection. "Projection" means the distance by which a projecting sign extends from a building. (Ord. 71-5 §103(part), 1971).

16.08.300 Roof sign. "Roof sign" means a sign erected upon or directly above a roof or parapet of a building or structure. (Ord. 71-5 §103(part), 1971).

16.08.310 Rotating or revolving sign. "Rotating or revolving sign" means any sign, or portion of a sign, which moves in any manner. (Ord. 71-5 §103(part), 1971).

16.08.320 Sign. "Sign" means an advertising sign, outdoor advertising sign, on-premises sign, display, temporary sign, temporary sign display, message, light (other than a device used primarily to illuminate a building or a premises), emblem, device, figure or mannequin, painting, drawing, placard, poster or other thing that is designed, used or intended for advertising purposes, or to inform or to attract the attention of the public, and includes, where applicable, the sign structure, display surfaces and all other component parts of the sign. (Ord. 71-5 §103(part), 1971).

16.08.330 Sign structure. "Sign structure" means any structure which supports or is capable of supporting any sign as described in the Uniform Building Code. A sign structure may be a single pole and may or may not be an integral part of a building. (Ord. 71-5 §103(part), 1971).

16.08.340 Temporary sign. "Temporary sign" means any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, plywood, wood, wallboard, plastic, metal or other similar materials, with or without frames, which is not permanently erected or permanently affixed to any sign structure, sign tower, or

building and which is not an electrical sign or an internally illuminated sign. (Ord. 71-5 §103(part), 1971).

16.08.350 Uniform Building Code. "Uniform Building Code" means the Uniform Building Code as adopted by the city of Tigard, Oregon, a copy of which is on file in the office of the city recorder and which Uniform Building Code, by this reference, is incorporated in this title to the extent of specific citations thereof in this title. (Ord. 71-5 §103(part), 1971).

16.08.360 Wall sign. "Wall sign" means any sign attached to, painted on, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of the wall. (Ord. 71-5 §103(part), 1971).

## Chapter 16.12

### PERMITS

#### Sections:

- 16.12.010 Required.
- 16.12.020 Application.
- 16.12.030 Fees.
- 16.12.040 When null and void--Renewal.
- 16.12.050 Exemptions.

16.12.010 Required. Except as provided in this chapter, it is unlawful for any person to construct, structurally alter or relocate within the city any sign without first obtaining a sign permit from the building official and making payment of the fee required. In addition, all illuminated signs shall be subject to the provisions of the State Electrical Code and the permit fees required thereunder. (Ord. 71-5 §202(part), 1971).

16.12.020 Application. Application for a sign permit shall be made upon forms provided by the building official, and shall contain or have attached thereto the following information:

- (1) Name, address and telephone number of the applicant;
- (2) Location of the building, structure, or lot to which or upon which the sign is to be attached or erected;
- (3) A scale drawing showing: design of the sign including colors, dimensions, sign size, height above ground, method of attachment, construction and materials, type, source and intensity of illumination and showing the relation-

ship to any building to which it is or is proposed to be attached;

(4) A plot plan approximately to scale indicating the location of all buildings, property lines, existing signs, streets and overhead power lines on the same premises;

(5) All electrical signs shall bear the Underwriters Laboratory label;

(6) Name, address and telephone number of the person who will do the erection, construction or maintenance on the sign. (Ord. 71-5 §202(1), 1971).

16.12.030 Fees. Each applicant before being granted a sign permit, shall pay to the city, a fee for each sign constructed, structurally altered or relocated as follows:

AREA OF SIGN	PERMIT FEE
0-25 square feet	\$ 5.00
More than 25 up to 100 square feet	10.00
100 square feet or more	10.00 plus \$2.50 for each added 100 square feet or fraction there- of to a maximum of \$25.00.

REPAIR PERMIT AND PERMIT FEE. Where any person desires to remove a sign from its structure for the purpose of normal repair and maintenance, the building official may issue a repair permit upon filing a permit form provided by him and payment of a fee of two dollars to the city. The building official may refuse to issue such permit if he finds that it is for the construction, structural alteration or relocation of any nonconforming sign. (Ord. 71-5 §202(2), 1971).

16.12.040 When null and void--Renewal. Except as provided in this section, if work authorized under a sign permit has not been completed within ninety days after the issuance of the permit, the permit shall become null and void. Such a permit may be renewed for up to an additional ninety days and without charge upon application to the building official and a finding by him that the sign complies with all regulations in existence on the date of renewal and which may become effective during the renewal period. (Ord. 71-5 §202(3), 1971).

16.12.050 Exemptions. The following signs and operations shall not require a sign permit but shall conform to all other applicable provisions of this title:

(1) Real estate signs not exceeding twelve square feet in area advertising exclusively the sale, rental or lease of the premises upon which the signs are located;

- (2) Nameplates not exceeding eight square feet in area;
- (3) The changing of the advertising copy or message on a painted or printed sign or advertising sign or upon a theater marquee or similar sign specifically designed for the use of replaceable copy;
- (4) On-site painting, repainting, cleaning and normal maintenance and repair of a sign;
- (5) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials;
- (6) A sign denoting the architect, engineer, contractor, subdivision or development when placed upon work under construction, and not exceeding thirty-two square feet in area provided that such sign is removed within thirty days from date of issuance of the final occupancy permit or two years, whichever is less;
- (7) Signs permitted pursuant to Sections 16.36.020 and 16.36.030 and Sections 16.40.010 through 16.40.030. (Ord. 71-5 §202(4), 1971).

## Chapter 16.16

### LICENSES

#### Sections:

- 16.16.010 Trade--When required.
- 16.16.020 Outdoor advertising--Fee.
- 16.16.030 Hearing.

16.16.010 Trade--When required. Except as provided in Section 16.16.020, no person shall in the business of hanging, rehanging, placing, constructing, installing or structurally altering, or relocating any sign or electrical sign, projecting sign or roof sign, except those signs which do not require sign permits under Section 16.12.050, without first having obtained a sign trade license from the building official. (Ord. 71-5 §203(1), 1971).

16.16.020 Outdoor advertising--Fee. No person shall engage in the business of outdoor advertising without having obtained a business license as required by Section 5.04.030, relating to the licensing of trades, shops, occupations, professions, businesses and callings, and shall pay a business license fee of twenty-five dollars. (Ord. 71-5 §203(2), 1971).

16.16.030 Hearing. If the building official finds that any holder of a sign trade license or an outdoor advertising



license has failed to comply with the provisions of this title, he shall notify the city council before the expiration of such person's license. The city council may, after a public hearing at which all interested persons shall have the right to be heard and offer oral or written testimony, refuse to renew the license of such person if it finds that the licensee has failed to comply with the provisions of this title or other applicable city ordinances. (Ord. 71-5 §203 (3), 1971).

## Chapter 16.20

### IDENTIFICATION

#### Sections:

16.20.010 General requirements.

16.20.010 General requirements.\* Each sign for which a sign permit is required shall have affixed to the sign the name of the sign erector, the date of erection, electrical power consumption in amperes and an Underwriters Laboratory label, if applicable. Such information shall be in sufficient size and contrast to be readable upon inspection. (Ord. 71-5 §204(1), 1971).

## Chapter 16.24

### NONCONFORMING SIGNS\*\*

#### Sections:

- 16.24.010 Defined--Continuance.
- 16.24.020 Located on premises annexed to city.
- 16.24.030 Alteration, relocation or replacement.
- 16.24.040 Types requiring conformance within ninety days of title's effective date.

16.24.010 Defined--Continuance. Except as provided in Sections 16.24.020 through 16.24.040, signs in existence on January 11, 1971, which do not conform to the provisions of this title, but which were constructed, erected or maintained

\* For removal provisions, see Chapter 16.28 of this code.

\*\* For removal provisions, see Chapter 16.28 of this code.

in compliance with all previous regulations, shall be regarded as nonconforming signs which may be continued for a period of ten years from January 11, 1971. (Ord. 71-5 §205 (1), 1971).

16.24.020 Located on premises annexed to city. Signs located on premises annexed into the city after January 11, 1971, which do not comply with the provisions of this title, shall be brought into compliance with this title within a period of ten years after the effective date of the annexation. (Ord. 71-5 §205(2), 1971).

16.24.030 Alteration, relocation or replacement. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all of the provisions of this title. (Ord. 71-5 §205(3), 1971).

16.24.040 Types requiring conformance within ninety days of title's effective date. Signs in existence on January 11, 1971, which do not comply with provisions regulating flashing signs, use of par spot lights or rotating beacons, rotating and revolving signs, or flags, banners or streamers or strings of lights, shall be made to conform within ninety days from January 11, 1971. (Ord. 71-5 §205(4), 1971).

## Chapter 16.28

### REMOVAL PROVISIONS

#### Sections:

- 16.28.010 Nonconforming signs.
- 16.28.020 Signs without required identification.
- 16.28.030 Abandoned signs.
- 16.28.040 Signs in setback areas.

16.28.010 Nonconforming signs. (a) The building official shall order the removal of any sign erected or maintained in violation of the provisions of this title. The building official shall give sixty days' written notice by registered mail to the owner of the sign or, if the owner of the sign cannot be notified, to the owner of the building, structure or premises on which such sign is located to remove the sign or to bring it into compliance with this title. If the owner of the building, structure or premises upon which such sign is located fails to remove the sign within thirty days after receipt of written notice from the building official, the building official or his duly authorized representative, may remove such sign at cost to the owner of the building,

structure or premises and such costs may be a lien against the land or premises on which the sign is located and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the city.

(b) If the building official finds that any sign or sign structure is in violation of Section 16.40.040(a) or Chapter 16.44, or that any sign by reason of its condition presents an immediate and serious danger to the public, the building official shall order its immediate removal or repair within a period of time he may specify.

(c) The building official, or his duly authorized representative, may remove such sign in the event that the person responsible for such sign cannot be found or if the person, after required notification, refuses to repair or remove the sign. (Ord. 71-5 §206, 1971).

16.28.020 Signs without required identification. The building official may order the removal of any sign which does not conform to Section 16.20.010 in the manner prescribed by this chapter. (Ord. 71-5 §204(2), 1971).

16.28.030 Abandoned signs. Any person who owns or leases a sign shall remove such sign and sign structure when either the business that it advertises has discontinued business in the city or the business that it advertises is no longer conducted in or upon the premises upon which such sign is located. If the person who owns or leases such sign fails to remove it as provided in this section, the building official shall give the owner of the building, structure or premises upon which such sign is located sixty days' written notice to remove it. If the sign has not been removed at the expiration of the sixty days' notice, the building official, or his duly authorized representative, may remove such sign at cost to the owner of the building, structure or premises. Signs which the successor to a person's business or business location agrees to maintain as provided in this title need not be removed in accordance with this section. Cost incurred by the building official, or his duly authorized representative, may be a lien against the land or premises on which such sign is located and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the city. (Ord. 71-5 §207, 1971).

16.28.040 Signs in setback areas. (a) Where the supporting member of any sign (optional-floodlight standard) is to be permanently erected or is affixed to the ground within a special setback area established pursuant to Title 18, no permit shall be issued for such sign (optional-floodlight standard) until the person who will own the sign and the owner of the premises upon which the sign will be erected, enter into a written agreement with the city providing for removal

of such supporting member when necessary. The agreement shall provide that the sign owner and the owner of the premises, their administrators, executors, heirs, successors and assigns shall be jointly and severally liable for removal of the sign after sixty days' written notice from the building official. Such notice shall be given only when public improvement is to be made within the setback area. The agreement shall further provide that if the persons responsible for the removal of the supporting member do not remove it, the city may do so at expense of such person and the cost or expense may be a lien against such land or premises and may be collected or foreclosed in the same manner as liens are entered in the docket of the city. The agreement shall also provide that the owner of the affected premises and the owner of the sign shall not be entitled to any damages or compensation on account of moving or removing of the supporting member or standard or portion thereof. The agreement shall be in a form prescribed by the city attorney and shall be acknowledged before an officer authorized to take acknowledgments and deeds and who is to authorize the same to be of record. The city recorder shall cause such agreement to be recorded at the office of the county officer having custody of the deed records for the county in which the affected premises are located.

(b) This section shall not be construed as denying the owner of such property the right to compensation for any land taken for widening of any street. (Ord. 71-5 §209, 1971).

## Chapter 16.32

### BOARD OF APPEALS

#### Sections:

- 16.32.010 Creation--Membership.
- 16.32.020 Right of appeal to board.
- 16.32.030 Variance granting.
- 16.32.040 Right of further appeal to council.

16.32.010 Creation--Membership. There is created a sign board of appeals the members of which shall be appointed by the mayor with the consent of the city council. The board shall consist of five voting members including one member of the planning commission and four citizens of the city. The city administrator, the building official and the planning director may serve as ex-officio members. The building official shall act as secretary to the board. Members shall be appointed for staggered terms which terms shall not be less than one year nor more than four years. (Ord. 71-5 §208(1), 1971).

16.32.020 Right of appeal to board. Any person who has been ordered by the building official to remove a sign, whose application for a permit or license pursuant to this title has been refused, or whose permit has been revoked, may appeal to the sign board of appeals. No stay of action of the building official shall be provided where the building official determines that an unsafe sign is involved and there is a serious and immediate danger to the public. (Ord. 71-5 §208(2), 1971).

16.32.030 Variance granting. The board may grant a variance from the provision of this title where it finds that practical difficulties, undue hardships or inconsistencies with the objectives of this title would result from a strict or literal interpretation and enforcement of a specified regulation. (Ord. 71-5 §208(3), 1971).

16.32.040 Right of further appeal to council. Any appeal to the sign board of appeals shall be made within thirty days of a final determination of the building official. The board shall have thirty days within which to hear the appeal and make its determination. All decisions of the sign board of appeals shall be reported to the city council. Within ten days of the final determination of the sign board of appeals, anyone aggrieved by final determination of the board shall have right of further appeal to the city council which shall be instituted by written notice of appeal to the city administrator. The council may accept, reject or modify actions taken by the board. (Ord. 71-5 §208(4), 1971).

## Chapter 16.36

### ZONE REGULATIONS

#### Sections:

- 16.36.010 Generally.
- 16.36.020 Single family or residential zones.
- 16.36.030 Multifamily residential zones.
- 16.36.040 Commercial zones.
- 16.36.050 Industrial zones.

16.36.010 Generally. Except as provided in this chapter, no person shall install or maintain any sign in the city in the zones listed in the following sections. Reference to zones are those established by or pursuant to Title 18. (Ord. 71-5 Ch. 3 (part), 1971).

16.36.020 Single family or residential zones. No sign of any character shall be permitted in an R-7, R-15 or R-30 zone except the following:

(1) NAMEPLATES. Sign bearing only property numbers, names of occupants of the premises or other identification of the premises not having a commercial connotation not exceeding a combined area of four square feet.

(2) REAL ESTATE SIGNS. One on-site sign for each street frontage offering the premises for sale, lease or inspection by the public provided that the total area of such sign does not exceed six square feet in area. Such signs may also be modified to indicate that the property has been sold.

(3) PERMANENT SUBDIVISION IDENTIFICATION SIGNS. One ground sign, with the site properly landscaped, denoting a subdivision development and not exceeding thirty-two square feet in area. Illumination may be approved by the building official as long as it does not create a public or private nuisance.

(4) DIRECTIONAL SIGNS. Directional signs may be located at street intersections within all zones, after approval by the planning commission. Such signs shall be twelve inches by forty-two inches, pointed at one end, any painted colors, lettering or design symbols. Not more than eight such signs shall be permitted at any one street intersection. Not more than six such signs shall be permitted per subdivision. The sign shall be provided by the developer and turned over to the public works department with a fee of ten dollars per sign. The city will erect the sign at heights and locations approved by the planning commission.

(5) REAL ESTATE DIRECTIONAL SIGNS. Real estate signs advertising an open house and located off the premises, limited to a sign area of six square feet and a maximum dimension of four feet may be erected and maintained, provided the display of such sign shall be only during those hours the property is available for inspection. No permits are required for such signs, but the building official may establish reasonable rules and regulations to prohibit sign clutter, erection of unsafe signs or other problems in connection with the erection of real estate directional signs.

(6) POLITICAL SIGNS. For political sign regulations, see Section 16.40.010(b). (Ord. 71-5 §301, 1971).

16.36.030 Multifamily residential zones. No sign shall be permitted in an A-2 zone except the following:

(1) PERMANENT RESIDENTIAL NAMEPLATES IDENTIFYING THE PREMISES. Total signing on a premises shall not exceed one square foot of area per dwelling unit.

(2) INCIDENTAL SIGNS. Such signs shall only be permitted when attached to a permanently affixed sign structure or to the wall of the building.

(3) REAL ESTATE SIGNS. One on-site sign offering the premises for sale providing that the total area of such sign does not exceed twelve square feet. Such signs may be modified to indicate that the property has been sold.

(4) NONRESIDENTIAL SIGNS. One illuminated or nonilluminated sign not exceeding twelve square feet in area identifying any nonresidential use permitted in a multiple-family residential zone.

(5) DIRECTIONAL SIGNS. Such signs shall be as permitted in Section 16.36.020(4).

(6) REAL ESTATE DIRECTIONAL SIGNS. Such signs shall be as permitted in Section 16.36.020(5).

(7) POLITICAL SIGNS. For political sign regulations, see Section 16.40.010(b). (Ord. 71-5 §302, 1971).

16.36.040 Commercial zones. Except as otherwise provided in this section with respect to the C-5 and C-P commercial zones, no sign for which a sign permit is required shall be permitted in any commercial zone except the following:

(1) No sign shall be permitted in a C-5 commercial zone except those specified in Title 18 for such zone.

(2) No sign shall be permitted in a C-P commercial zone except those specified in Title 18.

(3) FREE-STANDING SIGNS.

(A) Number Permitted: One multifaced free-standing sign designating the principal goods, products, facilities or services available on the premises shall be permitted on a street or highway frontage. Where a frontage exceeds three hundred feet in length, one additional free-standing sign is permitted for such frontage.

(B) Height Limit: No free-standing sign shall exceed in height the distance of any portion of the sign to the center of the adjacent public right-of-way (see Figure 1). The maximum height of any portion of a sign or sign structure shall be forty-five feet from ground level at its base regardless of location. The minimum clearance below the lowest portion of a free-standing sign and the ground below shall be fourteen feet in any driveway or parking area.

(C) Area: The maximum permitted area of a free-standing sign shall be computed on one and one-half square feet of area per lineal foot of street or highway frontage for the first one hundred feet of such frontage, plus one square foot of area for each foot of frontage over one hundred feet, but not exceeding seven hundred fifty square feet of sign area per sign face, or a total of one thousand five hundred square feet for all sign faces (see figure 2).

(4) When a premises fronts on more than one street, the property may be permitted to have one multifaced, free-standing sign for each such street frontage provided, however, that only the lineal frontage of that street toward which the sign faces may be considered in establishing the

maximum permitted size of such sign.

( 5) Where a premises fronts on two or more streets, the owner may elect to combine the total street frontage and erect only one free-standing sign with the area to be determined by the total length of the combination of such frontages provided that the maximum area shall not exceed the limits specified in subdivision (1).

( 6) Two or more owners of adjacent separate premises zoned for commercial use may combine their street or highway frontages and erect one free-standing sign whose size shall be determined by the combination of those frontages but shall not exceed the sign area permitted by subdivision (1). No other free-standing signs shall be permitted on either of the adjacent premises if the owners make such an election.

( 7) Where two free-standing signs are permitted on the same frontage for the same premises, the combined total of sign area for all sign faces shall not exceed that specified by subdivision (1).

( 8) No free-standing sign, or any portion of any free-standing sign, shall be located on or be projected over any portion of a street, sidewalk or other public right-of-way or property. Signs may be located within setback areas only as provided in Section 16.28.040.

( 9) WALL SIGNS. In addition to signs permitted by subdivision (2), wall signs may be erected or maintained but shall not exceed in gross area twenty percent of the face of the building to which the sign is attached or on which the sign is maintained. Signs placed on or within one foot of the display windows and designed to be viewed from the exterior of the building shall be included in determining the amount of signing on such building face. Wall signs may not project more than eighteen inches from the wall to which they are attached.

(10) INCIDENTAL SIGNS. Incidental signs shall be limited to the following:

(A) Up to four incidental signs may be attached to a free-standing sign. Such signs may advertise or identify goods, products, services or facilities available on the premises, including, but not limited to, trading stamps, credit cards accepted or brand names or similar. The total combined area of such signs shall not exceed sixteen square feet and the total sign shall be deducted from that allowable for free-standing signs on the same frontage on the same premises.

(B) Incidental signs such as those described in subparagraph (A) may be permitted as wall signs or may be attached to columns or supports for a roof overhang if erected in a line parallel to the nearest adjacent wall. The total combined area of such signs shall not exceed sixteen square feet.



(11) REAL ESTATE SIGNS. No more than three signs offering the premises for sale, lease or inspection by the public shall be permitted. The total area of each sign shall not exceed thirty-two square feet. Such signs may be modified to indicate that the property has been sold.

(12) CHANGEABLE COPY SIGNS. Any of the types of signs permitted in this section may be permitted as changeable copy signs.

(13) OUTDOOR ADVERTISING SIGNS. Outdoor advertising signs may be erected and maintained as permitted by Section 16.40.090 within the C-3 commercial zone.

(14) POLITICAL SIGNS. For political sign regulations, see Section 16.40.010(b).

(15) PROJECTING SIGNS. For projecting sign regulations, see Section 16.40.070.

(16) ROOF SIGNS. For roof sign regulations, see Section 16.40.080.

(17) DIRECTIONAL SIGNS. Such signs shall be as permitted in Section 16.36.020(4).

figure 1

HEIGHT OF FREE-STANDING  
SIGN

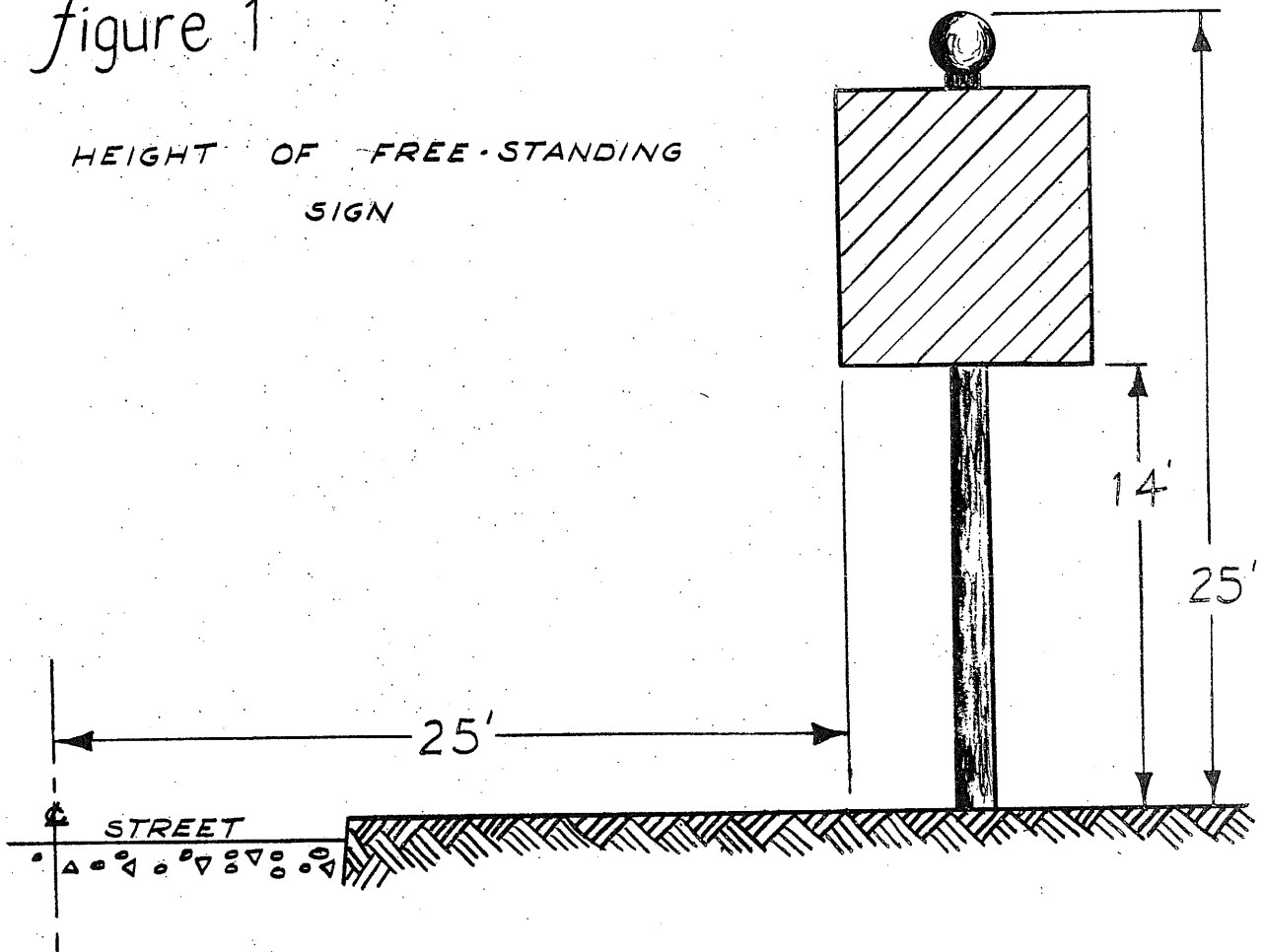
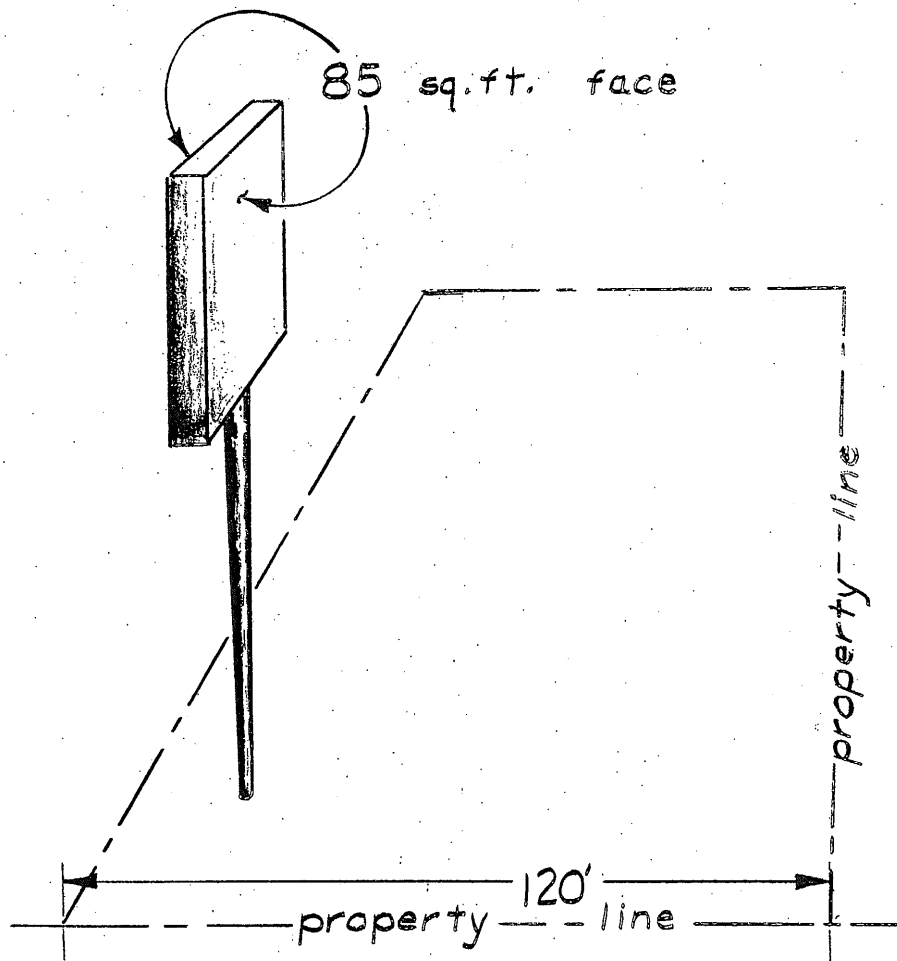


figure 2

AREA OF FREE-STANDING  
SIGN

$$\begin{array}{rcl} 100' \times 1.5 & = & 150 \\ 20' \times 1.0 & = & 20 \\ \hline \text{total sign area} & = & 170 \text{ sq. ft.} \end{array}$$



(Ord. 71-5 §303, 1971).

16.36.050 Industrial zones. All types of signs permitted in commercial zones by Section 16.36.040 shall be permitted in all industrial zones subject to the following limitations:

No sign authorized in an industrial zone shall be permitted in any required setback area except: one multifaced free-standing sign designating the principal uses of the premises provided that the area of any one face of such free-standing sign shall not exceed one hundred square feet and the total area of all the faces of such free-standing sign shall not exceed two hundred square feet. (Ord. 71-5 §304, 1971).

## Chapter 16.40

### SPECIAL TYPES OF SIGNS

#### Sections:

- 16.40.010 Flags, banners, political signs.
- 16.40.020 Public utility signs and signs required by law.
- 16.40.030 Signs not designed to be viewed from any public street or public right-of-way.
- 16.40.040 Certain signs prohibited.
- 16.40.050 Rotating and revolving signs.
- 16.40.060 Flashing signs and sign illumination.
- 16.40.070 Projecting signs.
- 16.40.080 Roof signs.
- 16.40.090 Outdoor advertising signs.

16.40.010 Flags, banners, political signs. (a) PROHIBITED DISPLAY OF FLAGS AND BANNERS. It is unlawful to erect or maintain strings of pennants, banners or streamers, festoons of lights, clusters of flags, strings of twirlers or propellers, flashing or blinking lights, flares, balloons, and similar devices of carnival character. Flags and banners not prohibited are:

- (1) National, state, and institutional flags properly displayed;
- (2) Christmas decorations in season; and
- (3) Streamers, banners, etc., used for one week only to call attention to grand opening of a completely new business.

(b) POLITICAL SIGNS. Signs relating to the nomination or election of any individual for a political office or advocacy of any measure to be voted upon at any special or general election shall be allowed under the following conditions:

(1) Such signs shall be temporary in nature and shall be removed within ten days after the election.

(2) Any such sign to be placed in a residential zone shall not exceed an area of twelve square feet.

(3) Except for outdoor advertising signs, any such sign to be placed in a nonresidential zone shall not exceed an area of thirty-two square feet.

(4) Any person placing such signs shall file a map, showing the locations of such signs, with the city recorder prior to the erection or maintenance of such signs, shall sign a removal agreement covering these provisions and shall file a one hundred dollar bond or one hundred dollars in cash with an agreement acceptable to the city attorney, refund conditioned upon guaranteeing removal of the signs within the time specified. Such agreement and bond shall further provide that all such signs shall be properly maintained as required by Chapter 16.44. (Ord. 71-5 §401, 1971).

16.40.020 Public utility signs and signs required by law. Nothing in this title shall prevent the erection, location or construction of signs on private property where such erection, construction or location is required by any law or ordinance nor shall any public agency or utility be prohibited from erecting signs on private property when otherwise permitted. (Ord. 71-5 §402, 1971).

16.40.030 Signs not designed to be viewed from any public street or public right-of-way. Nothing in this title shall prevent the erection, location or construction of directional or instructional signs on private property when such signs are solely designed to direct or to guide or to instruct pedestrians or vehicular traffic while on the parcel of real property on which the signs are located. No sign permit or fee shall be required for such signs. (Ord. 71-5 §403, 1971).

16.40.040 Certain signs prohibited. (a) UNSAFE SIGNS OR IMPROPERLY MAINTAINED SIGNS. No sign shall be constructed, erected or maintained unless the sign and sign structure is so constructed, erected and maintained as to be able to withstand the wind, seismic and other loads as specified in the Uniform Building Code. No sign shall be constructed, erected or maintained in violation of the maintenance provisions of Chapter 16.44.

(b) SIGNS AT INTERSECTIONS. No sign shall be erected at intersection of any streets in such a manner as to substantially obstruct free and clear vision nor shall any sign be erected at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with, any authorized traffic signal or device; nor shall any sign be erected which makes use of the word

"stop," "look," "danger," or any other similar word, phrase, symbol or character in such manner as is reasonably likely to interfere with, mislead or confuse motorists.

(c) OBSCENITY. No sign shall bear or contain statements, words or pictures of an obscene, indecent or immoral character, such as is likely to offend public morals or decency.

(d) OBSTRUCTING SIGNS. No sign or sign structure shall be constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of egress from a building or any exit corridor, exit hallway or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that will substantially limit access to the building in case of fire.

(e) No off-premises sign shall be permitted in any commercial or industrial zone, except outdoor advertising signs, as regulated in Section 16.40.090.

(f) Strings of bare lights shall not be constructed, erected or maintained within view of any public street or public right-of-way. This subsection shall not apply to Christmas lighting displays.

(g) No sign or sign structure shall be constructed in such a manner or location that it will obstruct access to any fire escape or other means of egress from a building or any exit corridor, exit hallway or exit doorway, and no sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that will substantially limit access to the building in case of fire. (Ord. 71-5 §404, 1971).

16.40.050 Rotating or revolving signs. Revolving and rotating signs shall not be permitted in any residential zone or C-4 or C-5 commercial zone. In other zones, they shall be erected or maintained only subject to the following restrictions:

(1) Maximum speed of revolution shall not exceed five revolutions per minute.

(2) No rotating or revolving sign shall be illuminated in whole or in part by any flashing or intermittent light or light source.

(3) If the adjacent property on the same side of the street contains a residence, apartment, hospital, or home for the aged or convalescent located within one hundred feet line sight distance of the sign or there is such land use within one hundred feet line sight distance on the opposite side of the street or intersection, no rotating or revolving sign shall be permitted to be illuminated after ten p.m. or before seven a.m. unless the rotation or other movement is stopped and all light from such sign is steady and continuous. Such sign may be permitted to be illuminated without restriction

if the residents and all the property owners within the prescribed area consent in writing to the erection and maintenance of such sign. This written consent shall remain on file with the sign permit.

(4) No sign or any part thereof shall rotate or revolve unless the rotating or revolving portion of the sign displays an advertising or identification message. (Ord. 71-5 §405, 1971).

16.40.060 Flashing signs and sign illumination. (a) No exposed reflective type bulbs, strobe lights, rotary beacons, par spots, zip lights or similar devices shall be permitted. No exposed incandescent lamp which exceeds twenty-five watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way.

(b) Flashing signs shall be permitted but flashing signs shall not be permitted to revolve, rotate, or move in any other manner.

(c) The surface brightness of any sign shall not exceed that produced by the diffused output obtained from eight hundred milliamperes fluorescent light sources not closer than eight inches on center. (Ord. 71-5 §406, 1971).

16.40.070 Projecting signs. (a) Projecting signs supported by a wall of a building or structure shall be permitted only in commercial zones where there is no building setback or upon an existing building built within two feet of the front property line and then only under the following conditions:

(1) No projecting sign shall be permitted in a C-4 or C-5 commercial zone.

(2) Only one projecting sign will be permitted on the same business frontage with wall signs.

(3) No projecting sign shall be permitted on the same premises where there is a free-standing sign or roof sign.

(4) A projecting sign shall be considered as a wall sign and shall be subject to the same requirements and limitations pertaining thereto.

(5) A projecting sign shall be used solely to identify a business and shall not be used to advertise services or products sold on the premises.

(6) No projecting sign shall extend more than three feet above the roof line at the wall or the top of a parapet wall, whichever is higher.

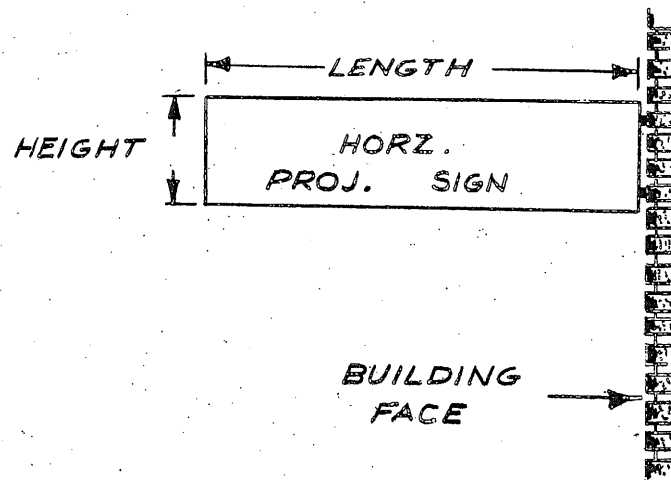
(7) No projecting sign shall be located within twenty feet of another projecting sign in the same horizontal plane. Of two signs not conforming to this provision, the first lawfully erected sign may remain.

(8) Except as provided in this section, no projecting sign shall be supported by a frame, commonly known as

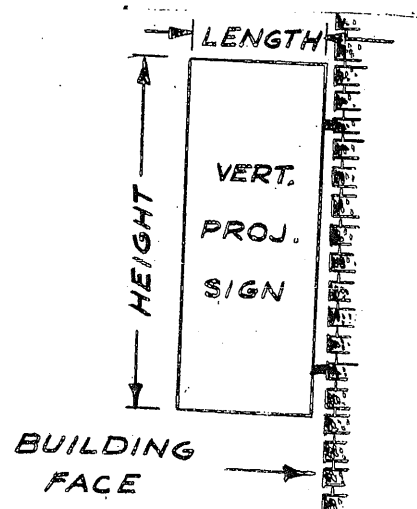
an "A frame" or other visible frame located on the roof of a building.

(9) Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within two feet of the curb nor beyond the distances specified in the table in this section.

(b) PROJECTING SIGN DEFINITIONS. "Horizontal projecting sign" means a projecting sign in which the horizontal length exceeds the vertical height.



"Vertical projecting sign" means a projecting sign in which the vertical height exceeds or equals the horizontal length.





(c) Maximum projection for any projecting sign beyond the face of a building shall be the lesser of:

- (1) That shown on the table for projecting signs;
- (2) Two feet inside the curb line.

TABLE FOR PROJECTING SIGNS

Height above grade	Horizontal Projecting Signs		Vertical Projecting Signs	
	projection	height	projection	height
less than 7'	not permitted	3'	not permitted	3'
7' to less than 8'	1'	3'	1'	3'
8' to less than 10'	2'	3'	1'	3'
10' to less than 12'	8'6"	3.5'	5'	not limited*
12' to less than 14'	8'6"	4'	5'	not limited*
14' to less than 16'	8'6"	4.5'	5'	not limited*
16' and over	8'6"	5'	5'	not limited*

\*except as provided in subsection (a)(6).  
(Ord. 71-5 §407, 1971).

16.40.080 Roof signs. Roof signs shall be permitted only in those commercial zones where there are no building setbacks or where an existing building is built to within two feet of the front property line and then only under the following conditions:

- (1) Only one roof sign will be permitted.
- (2) Total sign area shall not exceed one square foot for each lineal foot of street frontage of the parcel of real property on which the sign is to be located.
- (3) A roof sign shall not be permitted facing the same street frontage as a free-standing sign or a projecting sign.
- (4) Roof signs may not project over public property or public rights-of-way.
- (5) The maximum height of a roof sign shall not exceed eight feet above the highest point of the building.

(6) No roof sign shall be erected unless and until approved by building official upon a finding that the size, type and location of the sign will not substantially interfere with fire fighting. (Ord. 71-5 §408, 1971).

16.40.090 Outdoor advertising signs. Outdoor advertising sign regulations shall be as follows:

(1) ZONES PERMITTED. Outdoor advertising signs shall be permitted only in a C-3 commercial zone or an M-2 or M-3 industrial zone.

(2) HEIGHT. The maximum height of an outdoor advertising sign shall not exceed thirty-five feet from the ground level at its base.

(3) SIZE.

(A) The maximum sign dimensions of an outdoor advertising sign shall be twelve feet in height and twenty-five feet in length (excluding supports and foundations) or a total maximum sign area of three hundred square feet per face.

(B) Outdoor advertising signs may be increased in area to fourteen feet in height and forty-eight feet in length or a total maximum sign area of six hundred seventy-five square feet per face where permitted as freeway-oriented signs.

(C) On freeway-oriented signs, cutouts may project beyond the display surface and may add up to one-third additional area of permitted display surface and further may extend five and one-half feet above, four feet below or two feet to either side of the display surface, provided that the thirty-five foot maximum height limit is not exceeded by such cutouts.

(4) LOCATIONS PERMITTED.

(A) Outdoor advertising signs shall only be permitted to locate on and orient to U.S. Highway 99W (Southwest Pacific Highway), Oregon State Expressway No. 217, and Interstate Highway No. 5.

(B) Outdoor advertising signs shall not have more than one display surface facing in the same traffic direction on any one premises.

For the purpose of this provision and for the purposes of applying the spacing limitations or density limitations which follow, a single outdoor advertising structure on which two display surfaces are attached back-to-back shall be considered as one outdoor advertising sign with one display surface facing one traffic direction.

(5) Outdoor advertising signs shall not be located within three hundred feet of another outdoor advertising sign on the opposite side of the street or highway or within five hundred feet of another outdoor advertising sign on the same side

of the street or highway. For purposes of applying this limitation, distances shall be measured as a radius from a sign. Where two or more signs are in violation of these spacing provisions, the first lawfully constructed, erected and maintained shall be permitted to remain.

(6) Outdoor advertising signs shall have all metal structures; provided, however, that the display surface or display surfaces and the stringers used for the support of the display surfaces together with cutouts may be made of other materials.

(7) Outdoor advertising signs are not permitted as roof signs. (Ord. 71-5 §410, 1971).

#### Chapter 16.44

#### CONSTRUCTION AND MAINTENANCE

##### Sections:

- 16.44.010 Construction--Conformance to Uniform Building Code required.
- 16.44.020 Construction--Incombustible materials.
- 16.44.030 Maintenance--Standards generally.
- 16.44.040 Maintenance--Littering prohibited.

16.44.010 Construction--Conformance to Uniform Building Code required. Except as otherwise provided in this title, the construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code. (Ord. 71-5 §409(1), 1971).

16.44.020 Construction--Incombustible materials. (a) All signs erected in fire zones one and two shall have primary structural members of incombustible materials. Wooden stringers for the support of sections of the display surface of outdoor advertising signs may be used in fire zones one and two.

(b) Combination signs, roof signs, wall signs, projecting signs, signs on marquees other than under marquee signs, signs on canopy and wall facades shall be constructed of incombustible materials except for nonstructural trim, display surfaces and cutouts which may be constructed of wood, metal, approved plastics or any combination thereof. Except as provided in subsection (d), only metal and approved plastics shall be used in construction of electric signs.

(c) Work platforms attached to signs for service and maintenance may be constructed of wood or metal.

(d) The building official may approve the use of

combustible materials for covering, erecting a facade on, or ornamentation of a sign structure for an electric sign provided that he finds that:

(1) The use of such materials is permitted in the fire zone in which the sign is located or proposed to be located;

(2) There is no load bearing member of the sign structure constructed of combustible materials;

(3) There is no substantial fire or electrical safety hazard. (Ord. 71-5 §409(2), 1971).

16.44.030 Maintenance--Standards generally. All signs, together with all of their supports, braces, guys and anchors shall be kept in good repair and shall be maintained in a safe condition. All signs and the site upon which they are located shall be maintained in a neat, clean and attractive condition. Signs shall be kept free from excessive rust, corrosion, peeling paint or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted. (Ord. 71-5 §409(3), 1971).

16.44.040 Maintenance--Littering prohibited. No person required to obtain a sign permit or license under this title shall scatter, daub or leave any paint, paste, glue or other substances used for painting or affixing advertising matter or scatter or throw or permit to be scattered or thrown any bills, waste matter, paper, cloth or materials of any kind removed from such signs on any public street, sidewalk or private property. (Ord. 71-5 §409(4), 1971).

## Chapter 16.48

### ADMINISTRATION

#### Sections:

16.48.010 Sign permit authority.

16.48.020 Enforcement authority--Right of entry.

16.48.030 Violation--Penalty.

16.48.010 Sign permit authority. All applications for sign permits shall be submitted to and be approved by the building official. (Ord. 71-5 §201(1), 1971).

16.48.020 Enforcement authority--Right of entry. The building official is authorized and directed to enforce all of the provisions of this title. All signs for which permits are required shall be inspected by the building official. Upon presentation of proper credentials, the building

official or his duly authorized representative may enter at reasonable times any building, structure or premises in the city to perform any duty imposed upon him by this title. (Ord. 71-5 §201(2), 1971).

16.48.030 Violation--Penalty. Upon conviction, any person who violates any of the provisions of this title shall be guilty of a misdemeanor and such person shall be punished by a fine of not more than three hundred dollars. A person violating a provision of this title shall be deemed guilty of a separate offense for each day during which the violation continues. (Ord. 71-5 §503, 1971).



*Sent to Council  
May 4, 2007*

## MEMORANDUM

TO: Mayor Dirksen and City Council

FROM: Gary Pagenstecher

RE: Truck Terminals M37 Claim Staff Report Supplement

DATE: May 3, 2007

This Memo is a supplement to the Staff Report for Truck Terminals, Inc. (M372006-00001), in which staff recommended Council deny the claim. The following additional information will give the Council a more complete picture of the ordinances in effect at the time the Claimant acquired the property (December 11, 1970), which staff believes would change its recommendation to waiver of the more restrictive regulations.

The Staff Report and the Council Agenda Item and Summary's Key Facts and Information Summary section list ordinances applicable to the subject claim. In addition to Ord 67-21, two others ordinances, Ord 69-35 and Ord 70-32, should also be considered and are included for your reference in the Council packet.

**Ord 69-35, effective April 14, 1969**, ratified and confirmed the applicability of the conditional use provisions of Ord 67-21 to certain signs and billboards. The ordinance, in part, defined billboards, required conditional use permits, and required fees based on size of sign, including signs exceeding 1,200 square feet in size.

**Ord 70-32, effective August 24, 1970**, adopts the Report of the City Planning Commission with respect to revisions and amendments to Ordinance 67-21 as amended, and enacting or re-enacting regulations and restrictions with respect to [certain listed items not including signs] and repealing Ordinance 67-21 and all amendments thereto . . .

### DISCUSSION

These two ordinances would represent the regulations in effect at the time the Claimant acquired the property. However, there are certain ambiguities that leave this determination unresolved.

1) Arguably, Ord 69-35 is repealed by Ord 70-32 as is stated in the plain language of the ordinance. Yet Ord 69-35 is explicitly repealed later by the Ord 71-5, the City's first sign ordinance. This is consequential because these dates bracket the date the Claimant acquired the property.

2) The repealing language in Ord 70-32 should replace Ord 67-21 with other code language, a document that would convey the changes contemplated by the "Report of the City Planning

Commission". However, City Records has not found evidence of the Planning Commission report or alternative codified language that would replace Zoning Ordinance 67-21.

Therefore, as discussed in the Staff Report, it is plausible that Ord 67-21 was the regulation in effect at the time the Claimant acquired the property and not Ord 70-32, for which no codified version can be found. And Ord 67-21 clearly was amended to include Ord 69-35, allowing billboards, but whether its date of repeal is before, or after the Claimant's acquisition date, is unclear.

With these ambiguities, it would seem prudent to choose the alternative action identified in the Staff Report, to waive the applicable regulations to allow billboards, subject to the standard sign permit process, to avoid an uncertain outcome should the case go to court.

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 07-\_\_\_\_\_

AN ORDINANCE ADOPTING FINDINGS TO GRANT A BALLOT MEASURE 37 WAIVER OF THE TIGARD DEVELOPMENT CODE AND COMPREHENSIVE PLAN POLICIES THAT ARE MORE RESTRICTIVE THAN THOSE IN PLACE ON DECEMBER 11, 1970 WHEN THE .33 ACRE PARCEL LOCATED AT 13015 SW PACIFIC HIGHWAY (WCTM 2S102BD, TAX LOT 02900) WAS PURCHASED BY TRUCK TERMINALS, INC., AND TO ALLOW DEVELOPMENT UNDER THE TIGARD DEVELOPMENT CODE IN PLACE AT THAT TIME, SUBJECT TO APPLYING FOR AND RECEIVING SIGN PERMIT REVIEW APPROVAL (M372006-00001).

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WHEREAS, the voters of the State of Oregon passed Ballot Measure 37 in 2004; and

WHEREAS, Ballot Measure 37 provides the responsible governing body to either pay compensation for reduced property value or waive the regulations where property is owned prior to the adoption of land use regulations; and

WHEREAS, a claim was made by Truck Terminals, Inc., in the amount of \$178,813.00 as the reduction in the value of the property under the current Tigard Development code; and

WHEREAS Truck Terminals, Inc., has owned the property since December 11, 1970 preceding the current Tigard Development Code and other applicable standards;

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The attached staff report and vicinity map (**Exhibit A**) and applicant's materials (**Exhibit B**) are hereby adopted as findings.

SECTION 2: A waiver from the Tigard Development Code Standards is hereby granted to Truck Terminals, Inc., to apply for Sign Permit Review under the code and zoning that was in place on December 11, 1970. Once Truck Terminals, Inc. ceases to be the owner, however, any expansion or major modification beyond development applied for during this ownership shall be subject to the land use regulations in effect at the time of application.

SECTION 3: This waiver applies to the property North of Pacific Highway across from its intersection with SW Frewing Street at 13015 SW Pacific Highway; WCTM 2S102BD, Tax Lot 02900.

SECTION 4: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By \_\_\_\_\_ vote of all Council members present after being read by number and title only, this \_\_\_\_ day of \_\_\_\_\_, 2007.



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Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Craig Dirksen, Mayor

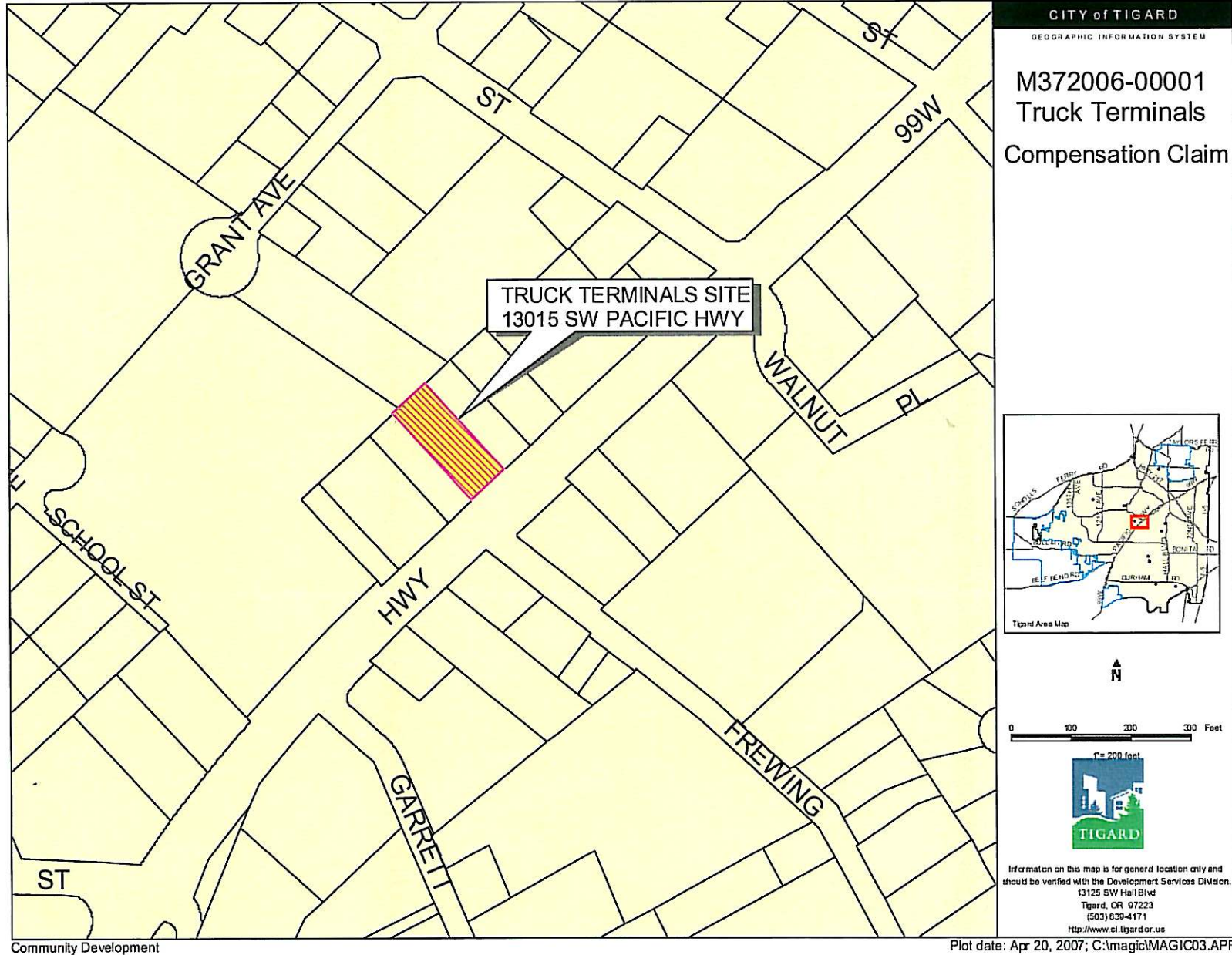
Approved as to form:

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City Attorney

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Date



CITY OF TIGARD, OREGON

ORDINANCE No.69- 35

AN ORDINANCE RATIFYING AND CONFIRMING THE APPLICABILITY OF THE CONDITIONAL-USE PROVISIONS OF ORDINANCE No.67-21 "CITY OF TIGARD ZONING ORDINANCE OF 1967" AS AMENDED, TO CERTAIN SIGNS AND BILLBOARDS; DEFINING SIGNS AND BILLBOARDS AFFECTED HEREBY; DEFINING AND PRESCRIBING ADDITIONAL LIMITATION REQUIREMENTS FOR CERTAIN SIGN AND BILLBOARDS; PRESCRIBING LIMITATIONS ON DURATION AND PROVIDING FOR THE CESSATION OF NON-CONFORMING SIGNS AND BILLBOARDS; PRESCRIBING FEES AND PENALTIES; FIXING EFFECTIVE DATE AND DECLARING AN EMERGENCY.

THE CITY OF TIGARD ORDAINS AS FOLLOWS:

Section 1: The City Council finds that undue activity is occurring with respect to the construction of certain signs and billboards in the City of Tigard and that applications for use of property for such purpose have been approved by the City without due regard to the procedural requirements for conditional uses under the provisions of Ordinance No.67-21 "City of Tigard Zoning Ordinance of 1967" as amended, and the Council desires hereby to declare, ratify and confirm the applicability of such provisions.

Section 2: That the Council further finds that it is necessary to promote the public health and welfare and to preclude unsightliness and to secure provision for adequate light, air and access, that additional regulatory provisions be adopted forthwith with respect to the use of property for display and advertising purposes through the media of certain signs and billboards.

Section 3: DEFINITIONS: Unless the context of this ordinance otherwise requires:

- (a) BILLBOARD or SIGN shall mean a structure either free-standing or superimposed upon a building or other structure, which is designed for, and has surface space provided for, the display of advertising either by posting, painting or affixing of advertising materials publicizing products, services, slogans or information designed for public viewing, not directly related to the use of the particular property upon which the display is located.
- (b) BUSINESS OF OUTDOOR ADVERTISING shall mean the business of constructing, erecting, operating, using, maintaining, leasing or selling signs or space on billboards, but does not include the placing, erecting, constructing, using or maintaining on any property of signs or billboards pertaining exclusively to the business conducted upon or utilizing the tract of land upon which such sign or billboard is displayed.

**Section 4: EXEMPT SIGNS.**

- (1) This ordinance does not apply to signs
- (a) Erected and maintained by or under authority of any federal, state, county or city authority for the purpose of conveying information, warnings, distances or directions to persons upon the highway or throughway.
  - (b) Erected and maintained by any public officer or body for the purpose of giving a notice required by law or by a court.
  - (c) Located within 300 feet of the advertised business, advertising only the name or nature of the business being conducted on, or the products, facilities, goods or services being sold, supplied or distributed on or from the premises on which the sign is located.
  - (d) Erected and maintained by a public utility for the purpose of giving warning of the location of an underground cable or other installation.

(2) This ordinance shall not be construed to permit the erection or maintenance of any sign that is prohibited under any law of the State of Oregon.

**Section 5: OCCUPATIONAL PERMITS REQUIRED:** Any person or organization conducting or intending to conduct the business of "outdoor advertising" as hereinabove defined, as a condition precedent to the issuance of a conditional-use permit, shall comply with the requirements of Ordinance No. 63-5 as amended by Ordinance No. 65-13 relating to the licensing of trades, shops, occupations, professions, businesses and callings, and shall pay a business license fee hereby required and prescribed in the sum of \$25.00.

**Section 6: CONDITIONAL-USE PERMITS REQUIRED:** No person or organization shall construct, erect, place, use or maintain on any land, tract or lot within the City of Tigard, any sign or billboard as hereinabove defined for use in the business of outdoor advertising as hereinabove defined, without first complying with the procedures required by Ordinance No. 67-21 "City of Tigard Zoning Ordinance of 1967" as amended, with respect to conditional uses, and then only after approval and in accordance with the requirements of Ordinance No. 67-21 as amended, and all conditional uses which may be authorized shall otherwise conform to the requirements of the zone classification applicable to the lands upon which the business of outdoor advertising is conducted.

**Section 7: COMPLIANCE WITH BUILDING CODE:** No person or organization shall construct, erect, place, use or maintain on any land, tract or lot within the City of Tigard, any sign or billboard as hereinabove defined for use in the business of outdoor advertising



as hereinabove defines, without first complying with that section of Ordinance No. 67-53 "Building Code" pertaining to signs, as set forth in "1967 Edition - Uniform Building Code - Volume V - Signs".

Section 8: SIGN AND BILLBOARD FEES: No person or organization shall engage or continue in the business of outdoor advertising whose activities include construction, erection, operation, use, maintenance, leasing or selling of display space or display services on any billboard or sign as hereinabove defined within the City of Tigard, without first filing an application for a permit from the office of the Building Official, in such form as that office may prescribe, for each sign or billboard to be so constructed, erected, operated, maintained or used for the leasing or selling of display space; to be accompanied by annual sign or billboard permit fee as follows:

- (1) \$2.00 if the advertising area does not exceed 50 square feet
- (2) \$3.00 if the advertising area exceeds 50 but does not exceed 200 square feet
- (3) \$4.00 if the advertising area exceeds 200 but does not exceed 500 square feet
- (4) \$5.00 if the advertising area exceeds 500 square feet but does not exceed 900 square feet
- (5) \$7.50 if the advertising area exceeds 900 square feet but does not exceed 1,200 square feet
- (6) \$10.00 if the advertising area exceeds 1,200 square feet

Section 9: PROVISIONS APPLICABLE TO PERMITS: REVOCATION OF PERMITS:

(1) Permits shall be issued for the calendar year and may be renewed by payment of the applicable annual permit fee for the new year without the filing of a new application. Fees shall not be prorated for fractions of the year. Only one sign permit is required for a sign with multiple display surfaces. Separate permits are required for separate signs.

(2) Advertising copy or the display surface or display surfaces of a sign may be changed or cutouts may be attached or removed without paying an additional fee or obtaining a new permit; provided, however, that a new fee is required if the advertising area of the sign is increased beyond that for which the original fee was paid, and no portion of the original fee shall be applied thereon. A new fee and a new permit are required for a change in location or for the reconstruction of a sign and no portion of the original fee shall be applied thereon.

Section 10: SIGNS TO BE MARKED WITH PERMIT NUMBERS: The Building Official shall assign to every permit issued by his office a separate identification number; and each permittee shall fasten to each sign a weatherproof label or marker which shall be furnished by the City and on which is the permit number. The permittee shall comply with regulations issued by the Building Official's office as to placement of the label or marker so that it may be seen from the highway. The absence, from a sign, of such a label or marker is prima facie evidence that the sign does not comply with this ordinance.

Section 11: REMOVAL OF NON-CONFORMING SIGNS:

(1) No sign prohibited by this ordinance shall be erected or maintained except as provided in this section.

(2) Any sign lawfully erected before the effective date of this ordinance, and not conforming to the provisions hereof, shall be removed by its owner before seven (7) years after the effective date of this ordinance.

Section 12: REMOVAL OF SIGNS NOT COVERED BY PERMITS OR NOT MAINTAINED BY LICENSED PERSONS:

(1) Any sign in violation of this ordinance hereby is declared to be a public and private nuisance and the Building Official may enter upon private property and remove such sign after notice, if any, as hereinafter required, without incurring any liability therefor.

(2) If the sign does not bear the name and address of its owner or if the owner is not readily identified and located, the Building Official may remove it immediately.

(3) (a) If the sign bears the name and address of its owner, or if the owner of the sign is readily identified and located, the Building Official shall notify the owner that the sign is in violation of this ordinance and that the owner has thirty (30) days from the date of the notice within which to make the sign comply with this ordinance, or to remove the sign, or to request a hearing before the City Council in accordance with the procedures set forth in Ordinance No. 67-21 "City of Tigard Zoning Ordinance of 1967" Sections 250-4, 270-2 and 270-3 pertaining to appeals from denial of application for conditional-use permit.

(b) If the sign is not made to comply with this ordinance, or is not removed, and if the owner does not request a hearing within the time required, or if the owner after a hearing fails to comply with the final order in the proceedings, the Building Official may remove and destroy or otherwise dispose of the sign.

(4) The Building Official shall, after removing a sign in accordance with subsection (2) of this section, place it in storage for 30 days while he makes a further effort to find its owner. If the owner cannot be found within that time, the Building Official may, without incurring any liability therefor, destroy or otherwise dispose of the sign. If the owner is found within that time, he may be required to remove the sign from storage; and if he is found at any time, the Building Official may recover from him the cost of storage. This cost is in addition to the cost of removal under subsection (5) of this section.

(5) The owner is liable for, and the Building Official may collect, the costs of removing a sign as determined by the Building Official on the basis of actual costs of removal or on a square foot flat fee basis.

(6) If a sign does not bear the name and address of its owner, the advertisement thereon of the goods, products, facilities, services or business of a person or commercial enterprise is prima facie evidence of ownership of the sign by that person or commercial enterprise.

Section 13: PENALTIES: Any violation of this ordinance, upon conviction, shall be punishable by a fine of not more than \$100., or imprisonment for not more than thirty (30) days, or both.

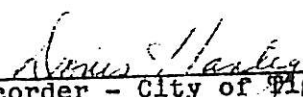
The provisions of this ordinance may, at the option of the City, in addition to the penalties above prescribed, be enforced by injunctive proceedings in the Circuit Court of the State of Oregon for the County of Washington, and in any such proceedings, in addition to all other remedies, the Court may allow such sum as and for the City's costs and attorney's fees as may be just and equitable in the premises.

Section 14: VALIDITY: Should any section or provision of this ordinance be determined by a court of competent jurisdiction to be unconstitutional or invalid, such decree shall not affect the validity of any other part hereof or the remaining portions of this ordinance as a whole.

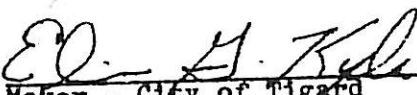
Section 15: EFFECTIVE DATE: Inasmuch as the City of Tigard does not now have any effective control with respect to the subject matter of this ordinance, and it is necessary for the peace, health and safety of the people of the City of Tigard that provision be made for regulation of outdoor advertising and the erection of signs and billboards, as herein defined, without delay, an emergency is hereby declared to exist and this ordinance shall be effective upon its passage by the City Council and approval by the Mayor.

PASSED: By unanimous vote of all Council members present, after being read three times by number and title only,

This 14<sup>th</sup> day of April, 1969.

  
Recorder - City of Tigard

APPROVED: By the Mayor, this 14<sup>th</sup> day of April, 1969.

  
Mayor - City of Tigard



*Sent to Council  
May 4, 2007*

## MEMORANDUM

TO: Mayor Dirksen and City Council

FROM: Gary Pagenstecher

RE: Truck Terminals M37 Claim Staff Report Supplement

DATE: May 3, 2007

This Memo is a supplement to the Staff Report for Truck Terminals, Inc. (M372006-00001), in which staff recommended Council deny the claim. The following additional information will give the Council a more complete picture of the ordinances in effect at the time the Claimant acquired the property (December 11, 1970), which staff believes would change its recommendation to waiver of the more restrictive regulations.

The Staff Report and the Council Agenda Item and Summary's Key Facts and Information Summary section list ordinances applicable to the subject claim. In addition to Ord 67-21, two others ordinances, Ord 69-35 and Ord 70-32, should also be considered and are included for your reference in the Council packet.

**Ord 69-35, effective April 14, 1969**, ratified and confirmed the applicability of the conditional use provisions of Ord 67-21 to certain signs and billboards. The ordinance, in part, defined billboards, required conditional use permits, and required fees based on size of sign, including signs exceeding 1,200 square feet in size.

**Ord 70-32, effective August 24, 1970**, adopts the Report of the City Planning Commission with respect to revisions and amendments to Ordinance 67-21 as amended, and enacting or re-enacting regulations and restrictions with respect to [certain listed items not including signs] and repealing Ordinance 67-21 and all amendments thereto . . .

### DISCUSSION

These two ordinances would represent the regulations in effect at the time the Claimant acquired the property. However, there are certain ambiguities that leave this determination unresolved.

1) Arguably, Ord 69-35 is repealed by Ord 70-32 as is stated in the plain language of the ordinance. Yet Ord 69-35 is explicitly repealed later by the Ord 71-5, the City's first sign ordinance. This is consequential because these dates bracket the date the Claimant acquired the property.

2) The repealing language in Ord 70-32 should replace Ord 67-21 with other code language, a document that would convey the changes contemplated by the "Report of the City Planning



Commission". However, City Records has not found evidence of the Planning Commission report or alternative codified language that would replace Zoning Ordinance 67-21.

Therefore, as discussed in the Staff Report, it is plausible that Ord 67-21 was the regulation in effect at the time the Claimant acquired the property and not Ord 70-32, for which no codified version can be found. And Ord 67-21 clearly was amended to include Ord 69-35, allowing billboards, but whether its date of repeal is before, or after the Claimant's acquisition date, is unclear.

With these ambiguities, it would seem prudent to choose the alternative action identified in the Staff Report, to waive the applicable regulations to allow billboards, subject to the standard sign permit process, to avoid an uncertain outcome should the case go to court.

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 07-\_\_\_\_\_

AN ORDINANCE ADOPTING FINDINGS TO GRANT A BALLOT MEASURE 37 WAIVER OF THE TIGARD DEVELOPMENT CODE AND COMPREHENSIVE PLAN POLICIES THAT ARE MORE RESTRICTIVE THAN THOSE IN PLACE ON DECEMBER 11, 1970 WHEN THE .33 ACRE PARCEL LOCATED AT 13015 SW PACIFIC HIGHWAY (WCTM 2S102BD, TAX LOT 02900) WAS PURCHASED BY TRUCK TERMINALS, INC., AND TO ALLOW DEVELOPMENT UNDER THE TIGARD DEVELOPMENT CODE IN PLACE AT THAT TIME, SUBJECT TO APPLYING FOR AND RECEIVING SIGN PERMIT REVIEW APPROVAL (M372006-00001).

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WHEREAS, the voters of the State of Oregon passed Ballot Measure 37 in 2004; and

WHEREAS, Ballot Measure 37 provides the responsible governing body to either pay compensation for reduced property value or waive the regulations where property is owned prior to the adoption of land use regulations; and

WHEREAS, a claim was made by Truck Terminals, Inc., in the amount of \$178,813.00 as the reduction in the value of the property under the current Tigard Development code; and

WHEREAS Truck Terminals, Inc., has owned the property since December 11, 1970 preceding the current Tigard Development Code and other applicable standards;

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1:       The attached staff report and vicinity map (**Exhibit A**) and applicant's materials (**Exhibit B**) are hereby adopted as findings.

SECTION 2:       A waiver from the Tigard Development Code Standards is hereby granted to Truck Terminals, Inc., to apply for Sign Permit Review under the code and zoning that was in place on December 11, 1970. Once Truck Terminals, Inc. ceases to be the owner, however, any expansion or major modification beyond development applied for during this ownership shall be subject to the land use regulations in effect at the time of application.

SECTION 3:       This waiver applies to the property North of Pacific Highway across from its intersection with SW Frewing Street at 13015 SW Pacific Highway; WCTM 2S102BD, Tax Lot 02900.

SECTION 4:       This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED:       By \_\_\_\_\_ vote of all Council members present after being read by number and title only, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Craig Dirksen, Mayor

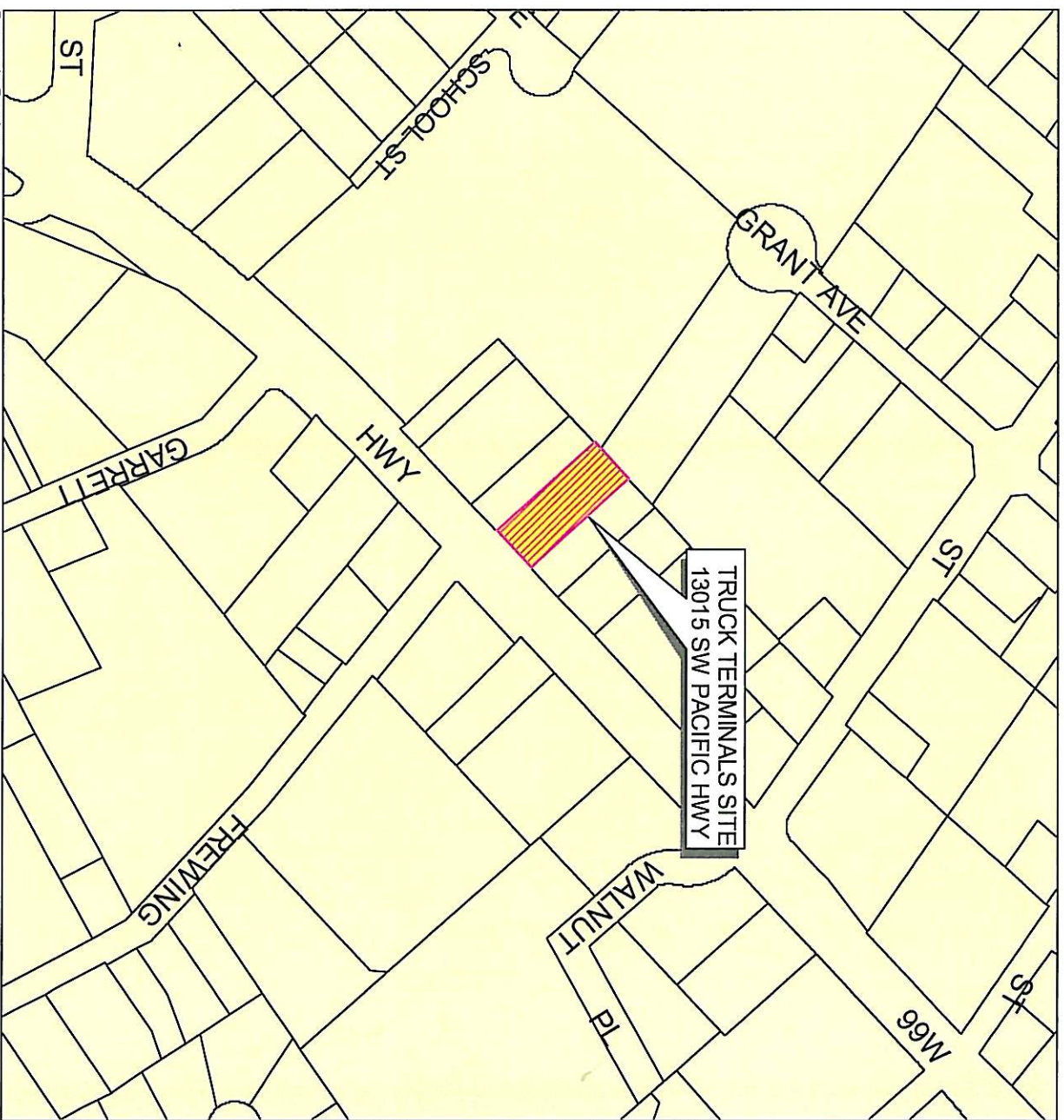
Approved as to form:

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City Attorney

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Date



**CITY of TIGARD**  
GEOGRAPHIC INFORMATION SYSTEM

**M372006-00001**  
**Truck Terminals**  
**Compensation Claim**

Tigard, Oregon

0 100 200 300 Feet

1" = 200 feet

**TIGARD**

Information on this map is for general location only and should be verified with the Development Services Division.  
13125 SW Hill Blvd  
Tigard, OR 97223  
(503) 639-4171  
<http://www.ci.tigard.or.us>

Community Development

Plot date: Apr 20, 2007, C:\magick\MAG103.APR

CITY OF TIGARD, OREGON

ORDINANCE No.69- 35

AN ORDINANCE RATIFYING AND CONFIRMING THE APPLICABILITY OF THE CONDITIONAL-USE PROVISIONS OF ORDINANCE No.67-21 "CITY OF TIGARD ZONING ORDINANCE OF 1967" AS AMENDED, TO CERTAIN SIGNS AND BILLBOARDS; DEFINING SIGNS AND BILLBOARDS AFFECTED HEREBY; DEFINING AND PRESCRIBING ADDITIONAL LIMITATION REQUIREMENTS FOR CERTAIN SIGN AND BILLBOARDS; PRESCRIBING LIMITATIONS ON DURATION AND PROVIDING FOR THE CESSATION OF NON-CONFORMING SIGNS AND BILLBOARDS; PRESCRIBING FEES AND PENALTIES; FIXING EFFECTIVE DATE AND DECLARING AN EMERGENCY.

THE CITY OF TIGARD ORDAINS AS FOLLOWS:

Section 1: The City Council finds that undue activity is occurring with respect to the construction of certain signs and billboards in the City of Tigard and that applications for use of property for such purpose have been approved by the City without due regard to the procedural requirements for conditional uses under the provisions of Ordinance No.67-21 "City of Tigard Zoning Ordinance of 1967" as amended, and the Council desires hereby to declare, ratify and confirm the applicability of such provisions.

Section 2: That the Council further finds that it is necessary to promote the public health and welfare and to preclude unsightliness and to secure provision for adequate light, air and access, that additional regulatory provisions be adopted forthwith with respect to the use of property for display and advertising purposes through the media of certain signs and billboards.

Section 3: DEFINITIONS: Unless the context of this ordinance otherwise requires:

- (a) BILLBOARD or SIGN shall mean a structure either free-standing or superimposed upon a building or other structure, which is designed for, and has surface space provided for, the display of advertising either by posting, painting or affixing of advertising materials publicizing products, services, slogans or information designed for public viewing, not directly related to the use of the particular property upon which the display is located.
- (b) BUSINESS OF OUTDOOR ADVERTISING shall mean the business of constructing, erecting, operating, using, maintaining, leasing or selling signs or space on billboards, but does not include the placing, erecting, constructing, using or maintaining on any property of signs or billboards pertaining exclusively to the business conducted upon or utilizing the tract of land upon which such sign or billboard is displayed.



Section 4: EXEMPT SIGNS.

- (1) This ordinance does not apply to signs
- (a) Erected and maintained by or under authority of any federal, state, county or city authority for the purpose of conveying information, warnings, distances or directions to persons upon the highway or throughway.
  - (b) Erected and maintained by any public officer or body for the purpose of giving a notice required by law or by a court.
  - (c) Located within 300 feet of the advertised business, advertising only the name or nature of the business being conducted on, or the products, facilities, goods or services being sold, supplied or distributed on or from the premises on which the sign is located.
  - (d) Erected and maintained by a public utility for the purpose of giving warning of the location of an underground cable or other installation.

(2) This ordinance shall not be construed to permit the erection or maintenance of any sign that is prohibited under any law of the State of Oregon.

Section 5: OCCUPATIONAL PERMITS REQUIRED: Any person or organization conducting or intending to conduct the business of "outdoor advertising" as hereinabove defined, as a condition precedent to the issuance of a conditional-use permit, shall comply with the requirements of Ordinance No. 63-5 as amended by Ordinance No. 65-13 relating to the licensing of trades, shops, occupations, professions, businesses and callings, and shall pay a business license fee hereby required and prescribed in the sum of \$25.00.

Section 6: CONDITIONAL-USE PERMITS REQUIRED: No person or organization shall construct, erect, place, use or maintain on any land, tract or lot within the City of Tigard, any sign or billboard as hereinabove defined for use in the business of outdoor advertising as hereinabove defined, without first complying with the procedures required by Ordinance No. 67-21 "City of Tigard Zoning Ordinance of 1967" as amended, with respect to conditional uses, and then only after approval and in accordance with the requirements of Ordinance No. 67-21 as amended, and all conditional uses which may be authorized shall otherwise conform to the requirements of the zone classification applicable to the lands upon which the business of outdoor advertising is conducted.

Section 7: COMPLIANCE WITH BUILDING CODE: No person or organization shall construct, erect, place, use or maintain on any land, tract or lot within the City of Tigard, any sign or billboard as hereinabove defined for use in the business of outdoor advertising

as hereinabove defines, without first complying with that section of Ordinance No. 67-53 "Building Code" pertaining to signs, as set forth in "1967 Edition - Uniform Building Code - Volume V - Signs".

Section 8: SIGN AND BILLBOARD FEES: No person or organization shall engage or continue in the business of outdoor advertising whose activities include construction, erection, operation, use, maintenance, leasing or selling of display space or display services on any billboard or sign as hereinabove defined within the City of Tigard, without first filing an application for a permit from the office of the Building Official, in such form as that office may prescribe, for each sign or billboard to be so constructed, erected, operated, maintained or used for the leasing or selling of display space; to be accompanied by annual sign or billboard permit fee as follows:

- (1) \$2.00 if the advertising area does not exceed 50 square feet
- (2) \$3.00 if the advertising area exceeds 50 but does not exceed 200 square feet
- (3) \$4.00 if the advertising area exceeds 200 but does not exceed 500 square feet
- (4) \$5.00 if the advertising area exceeds 500 square feet but does not exceed 900 square feet
- (5) \$7.50 if the advertising area exceeds 900 square feet but does not exceed 1,200 square feet
- (6) \$10.00 if the advertising area exceeds 1,200 square feet

Section 9: PROVISIONS APPLICABLE TO PERMITS: REVOCATION OF PERMITS:

(1) Permits shall be issued for the calendar year and may be renewed by payment of the applicable annual permit fee for the new year without the filing of a new application. Fees shall not be prorated for fractions of the year. Only one sign permit is required for a sign with multiple display surfaces. Separate permits are required for separate signs.

(2) Advertising copy or the display surface or display surfaces of a sign may be changed or cutouts may be attached or removed without paying an additional fee or obtaining a new permit; provided, however, that a new fee is required if the advertising area of the sign is increased beyond that for which the original fee was paid, and no portion of the original fee shall be applied thereon. A new fee and a new permit are required for a change in location or for the reconstruction of a sign and no portion of the original fee shall be applied thereon.

Section 10: SIGNS TO BE MARKED WITH PERMIT NUMBERS: The Building Official shall assign to every permit issued by his office a separate identification number; and each permittee shall fasten to each sign a weatherproof label or marker which shall be furnished by the City and on which is the permit number. The permittee shall comply with regulations issued by the Building Official's office as to placement of the label or marker so that it may be seen from the highway. The absence, from a sign, of such a label or marker is prima facie evidence that the sign does not comply with this ordinance.

Section 11: REMOVAL OF NON-CONFORMING SIGNS:

(1) No sign prohibited by this ordinance shall be erected or maintained except as provided in this section.

(2) Any sign lawfully erected before the effective date of this ordinance, and not conforming to the provisions hereof, shall be removed by its owner before seven (7) years after the effective date of this ordinance.

Section 12: REMOVAL OF SIGNS NOT COVERED BY PERMITS OR NOT MAINTAINED BY LICENSED PERSONS:

(1) Any sign in violation of this ordinance hereby is declared to be a public and private nuisance and the Building Official may enter upon private property and remove such sign after notice, if any, as hereinafter required, without incurring any liability therefor.

(2) If the sign does not bear the name and address of its owner or if the owner is not readily identified and located, the Building Official may remove it immediately.

(3) (a) If the sign bears the name and address of its owner, or if the owner of the sign is readily identified and located, the Building Official shall notify the owner that the sign is in violation of this ordinance and that the owner has thirty (30) days from the date of the notice within which to make the sign comply with this ordinance, or to remove the sign, or to request a hearing before the City Council in accordance with the procedures set forth in Ordinance No. 67-21 "City of Tigard Zoning Ordinance of 1967" Sections 250-4, 270-2 and 270-3 pertaining to appeals from denial of application for conditional-use permit.

(b) If the sign is not made to comply with this ordinance, or is not removed, and if the owner does not request a hearing within the time required, or if the owner after a hearing fails to comply with the final order in the proceedings, the Building Official may remove and destroy or otherwise dispose of the sign.

(4) The Building Official shall, after removing a sign in accordance with subsection (2) of this section, place it in storage for 30 days while he makes a further effort to find its owner. If the owner cannot be found within that time, the Building Official may, without incurring any liability therefor, destroy or otherwise dispose of the sign. If the owner is found within that time, he may be required to remove the sign from storage; and if he is found at any time, the Building Official may recover from him the cost of storage. This cost is in addition to the cost of removal under subsection (5) of this section.

(5) The owner is liable for, and the Building Official may collect, the costs of removing a sign as determined by the Building Official on the basis of actual costs of removal or on a square foot flat fee basis.

(6) If a sign does not bear the name and address of its owner, the advertisement thereon of the goods, products, facilities, services or business of a person or commercial enterprise is prima facie evidence of ownership of the sign by that person or commercial enterprise.



Section 13: PENALTIES: Any violation of this ordinance, upon conviction, shall be punishable by a fine of not more than \$100., or imprisonment for not more than thirty (30) days, or both.

The provisions of this ordinance may, at the option of the City, in addition to the penalties above prescribed, be enforced by injunctive proceedings in the Circuit Court of the State of Oregon for the County of Washington, and in any such proceedings, in addition to all other remedies, the Court may allow such sum as and for the City's costs and attorney's fees as may be just and equitable in the premises.

Section 14: VALIDITY: Should any section or provision of this ordinance be determined by a court of competent jurisdiction to be unconstitutional or invalid, such decree shall not affect the validity of any other part hereof or the remaining portions of this ordinance as a whole.

Section 15: EFFECTIVE DATE: Inasmuch as the City of Tigard does not now have any effective control with respect to the subject matter of this ordinance, and it is necessary for the peace, health and safety of the people of the City of Tigard that provision be made for regulation of outdoor advertising and the erection of signs and billboards, as herein defined, without delay, an emergency is hereby declared to exist and this ordinance shall be effective upon its passage by the City Council and approval by the Mayor.

PASSED: By unanimous vote of all Council members present, after being read three times by number and title only,

This 14<sup>th</sup> day of April, 1969.

James H. Hartley  
Recorder - City of Tigard

APPROVED: By the Mayor, this 14<sup>th</sup> day of April, 1969.

E. D. A. Kuhn  
Mayor - City of Tigard

CITY OF TIGARD, OREGON

ORDINANCE No.70- 32

AN ORDINANCE ADOPTING THE REPORT OF THE CITY PLANNING COMMISSION WITH RESPECT TO REVISIONS AND AMENDMENTS TO ORDINANCE No.67-21 AS AMENDED, ORIGINALLY ENACTED BY THE CITY COUNCIL ON MARCH 13, 1967, AND ENACTING OR RE-ENACTING REGULATIONS AND RESTRICTIONS WITH RESPECT TO HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS; THE PART AND PERCENTAGE OF ANY LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES; LOCATION AND USE OF BUILDINGS AND PREMISES FOR TRADE, INDUSTRIAL, RESIDENTIAL AND OTHER PURPOSES; DEFINING AND RE-DEFINING DISTRICTS AND THE BOUNDARIES OF DISTRICTS; PROVIDING FOR CHANGES AND MODIFICATIONS TO THE REGULATIONS AND RESTRICTIONS REGULATING NON-CONFORMING USES; DEFINING CERTAIN TERMS IN CONNECTION THEREWITH; PROVIDING PENALTIES FOR VIOLATION THEREOF; PRESCRIBING EFFECTIVE DATE; REPEALING ORDINANCE No.67-21 AND ALL AMENDMENTS THERETO EFFECTIVE WITH THE EFFECTIVE DATE HEREOF, AND DECLARING AN EMERGENCY.

THE CITY OF TIGARD ORDAINS AS FOLLOWS:

CHAPTER I - PREAMBLE

Section 1: The City Council finds that for more than a year last past the City Planning Commission and its staff has conducted a searching review and re-study of the zoning pattern and land use map of the Tigard area, giving particular regard to the trend in use and development of lands, and as a result thereof prepared a land use map; and the Council further finds that the City Planning Commission and its staff as a result of said study and survey has caused to have prepared a re-draft of the zoning ordinances of the City of Tigard embodying therein proper and current provisions of Ordinance No. 67-21 and amendments, and, after due and legal notice, the Planning Commission held and conducted a public meeting and hearing with respect to said revisions and recodifications on May 19, 1970, whereafter the Planning Commission recommended to the City Council the adoption of the recodification of the zoning ordinances of the City of Tigard.

Section 2: The Council further finds that the Council reviewed the proposed recodification as redrafted by the Planning Commission and by resolution duly passed at its meeting of May 25, 1970, a hearing was called to be held with respect thereto on June 8, 1970; and the Council further finds:

a) That said meeting and hearing was duly and regularly held on June 8, 1970 and by motion duly made, seconded and passed, said hearing was continued to June 22, 1970.

b) That on June 22, 1970 further hearing was conducted, and by motion duly passed, said hearing was continued to the regular meeting of the Council of July 13, 1970, whereat further hearing was afforded interested persons, and on motion duly passed, the hearing was continued to the Council meeting of July 27, 1970.

c) That at the meeting of July 27, 1970, further hearing was afforded all interested persons with respect to recodification of said zoning ordinance, and on motion duly passed, the hearing was continued to August 10, 1970 when further hearing was duly and regularly held.

d) That at all of said sessions, the general public and all persons particularly interested, were afforded adequate opportunity to be heard with respect to the proposed adoption of said recodification of the zoning ordinance.

e) That with respect to each of the public hearings and continuances thereof and the purposes to be thereby served, due and legal notice was given in the manner provided by law and that all proceedings were conducted in accordance with the requirements of Chapter 227 Oregon Revised Statutes.

Section 3: The City Council further finds that the said report of the Planning Commission and the contents of Ordinance No. 67-21 and all amendments thereto and the zoning districts thereby defined, are in the public interest and are reasonable, proper and necessary for the health, comfort, convenience, preservation of the public peace, safety, morals, order and the public welfare, and the regulations and restrictions are appropriately designed to promote the public health, safety and general welfare, giving reasonable consideration among other things to the character of each of the districts involved, its peculiar suitability for particular uses, conservation of property values and the direction of building and use development in accordance with a well-considered plan, and the Council further finds that said regulations and restrictions are uniform for each class of buildings throughout each district and are designed to secure safety from fire and other danger and to promote public health and welfare and to provide for adequate light, air and reasonable access, and in all manner of things conform to the requirements of law.

\* \* \* \* \*

#### SECTION 290 - REPEALER

Concurrently with the effective time and date of this ordinance, Ordinance No. 67-21 enacted by the City Council on March 13, 1967 and all amendments to same heretofore enacted, and all sections of any other ordinances heretofore enacted by the Council in conflict or inconsistent herewith, be, and the same are, hereby repealed.

#### SECTION 290-1 - EFFECTIVE DATE

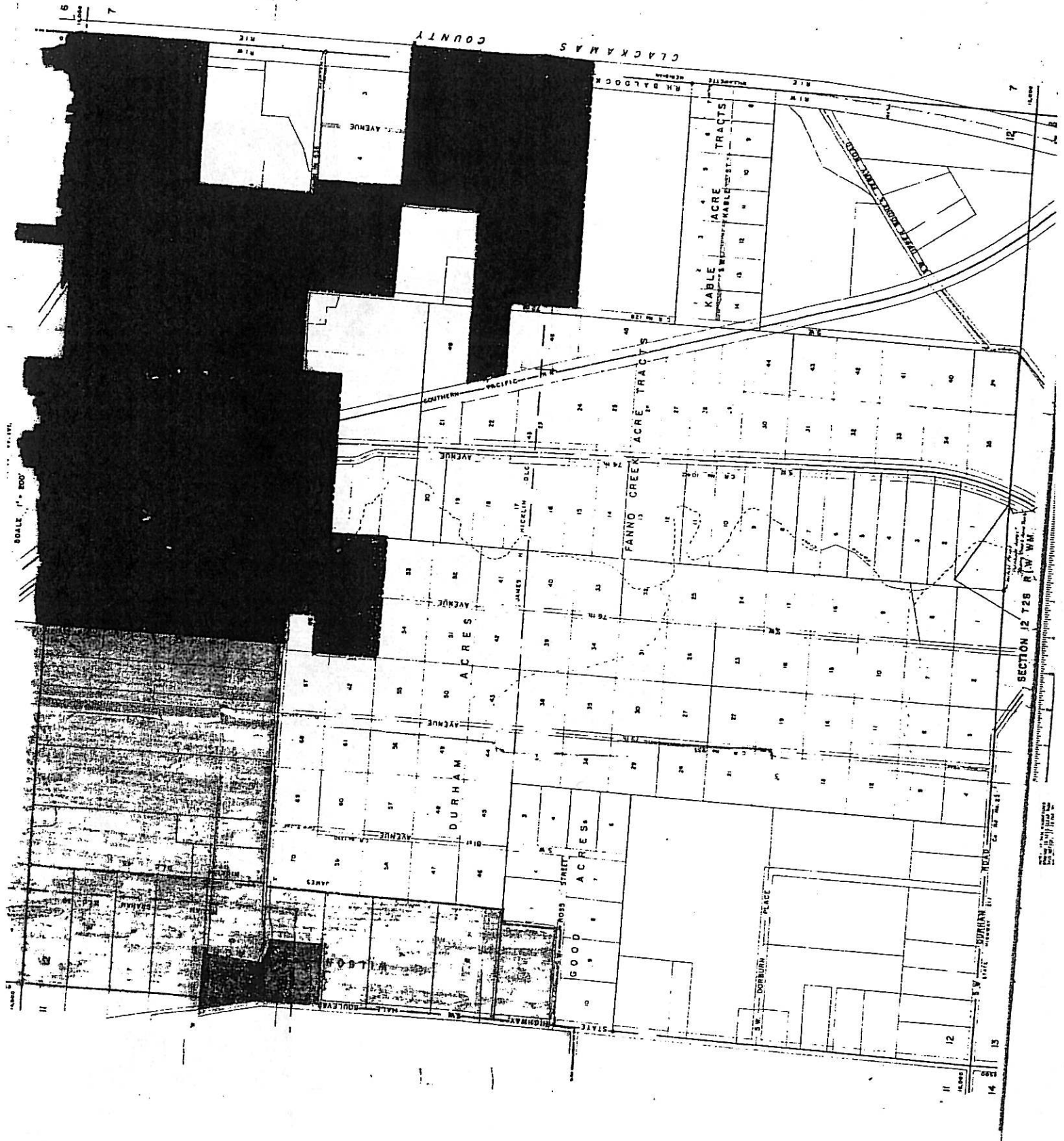
Inasmuch as it is necessary for the peace, health and safety of the people of the City of Tigard to clearly define and establish without delay the revisions and recodification of the zoning and land use regulations of the City of Tigard and to provide a legal means of controlling the location, development, use and occupancy of land and to protect the public health, safety and general welfare of the people of the City of Tigard, an emergency is hereby declared to exist and this Ordinance shall be effective upon its enactment by the Council and approval by the Mayor.

PASSED: By the Council, by unanimous vote of all Council members after being read three times by number and title only,  
this 24th day of August, 1970

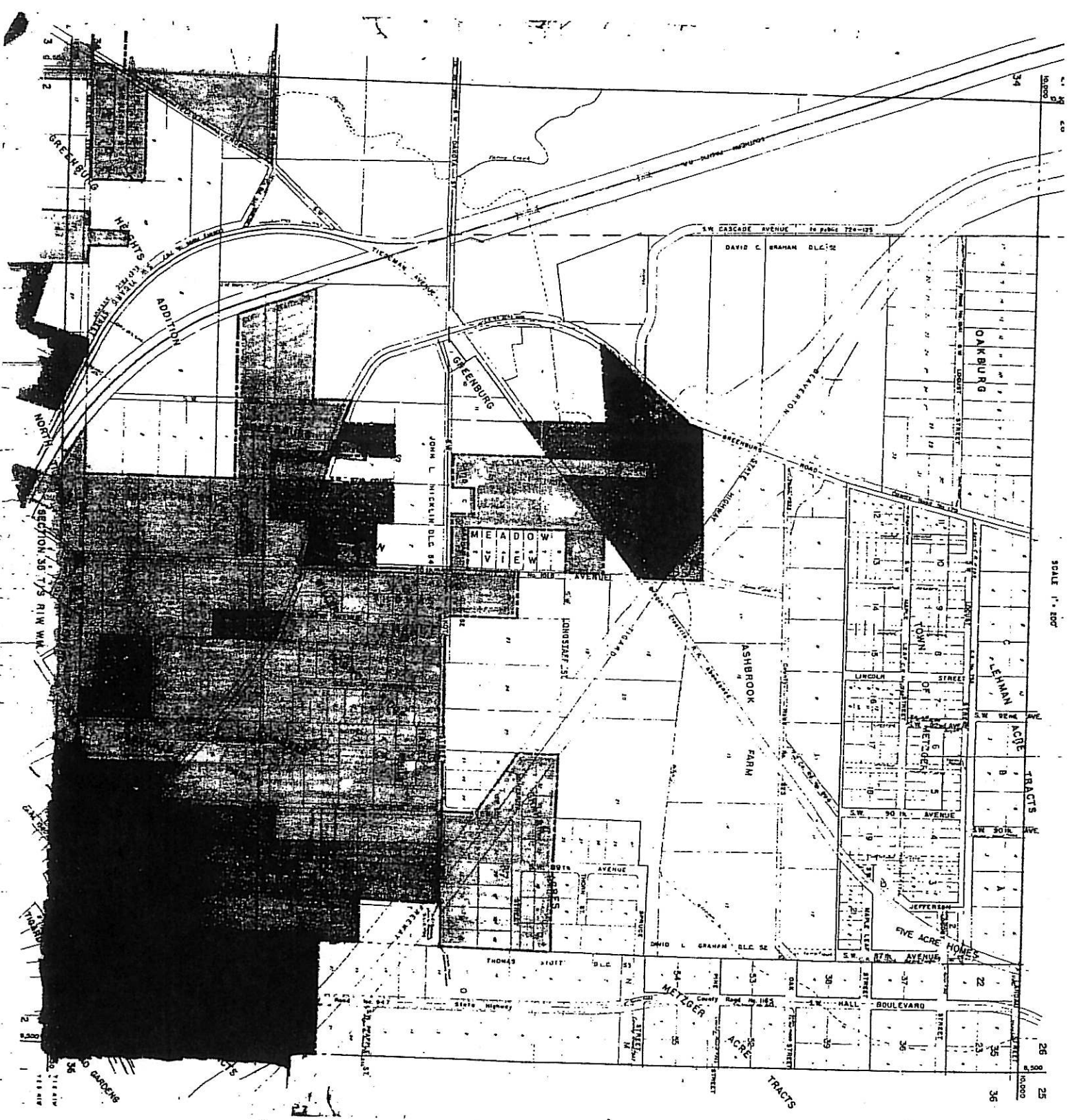
Donna Hantz  
Recorder - City of Tigard

APPROVED: By the Mayor, this 24th day of August, 1970

Elven Hantz  
Mayor - City of Tigard







SECTION 4 T2S R1W WM.

SCALE 1" = 200'

T1S R1W

33

34

33  
34

6

4

3

10

OLD FERRY ROAD

HANDY ACRES

VISTA LAKE

AVENUE

BONNEVILLE

POWER

ADMINISTRATION

SECTION 3 T2S R1W WM.

6

4

3

10

APPROVED BY THE BOARD OF ALDERMEN, CITY OF ST. LOUIS, MISSOURI, ON THE 11TH DAY OF JANUARY, 1911, AND THE CITY COMMISSIONER, ON THE 11TH DAY OF JANUARY, 1911, WHEREUPON RESOLVED BY THE BOARD OF ALDERMEN, CITY OF ST. LOUIS, MISSOURI, AS FOLLOWS:

CITY OF ST. LOUIS

BY *[Signature]*  
 CITY COMMISSIONER

**CITY OF ST. LOUIS  
 LEGEND OF ZONING DISTRICTS  
 AND COLOR KEY**

- R-30 SINGLE FAMILY RESIDENTIAL
- R-15 SINGLE FAMILY RESIDENTIAL
- R-7 SINGLE FAMILY RESIDENTIAL
- A-2 MULTI-FAMILY RESIDENTIAL
- C-5 LIMITED NEIGHBORHOOD COMMERCIAL
- C-4 NEIGHBORHOOD COMMERCIAL
- C-3 GENERAL COMMERCIAL
- M-4 INDUSTRIAL PARK
- M-3 LIGHT INDUSTRIAL
- M-2 GENERAL INDUSTRIAL

## SCALE 1 - 100





APPROVED AS THE ZONING MAP FOR THE CITY OF ST. LOUIS,  
MISSOURI BY THE CITY COUNCIL, ON THE 14th DAY OF JANUARY,  
1916, RESOLUTION NUMBER 111, 1916.

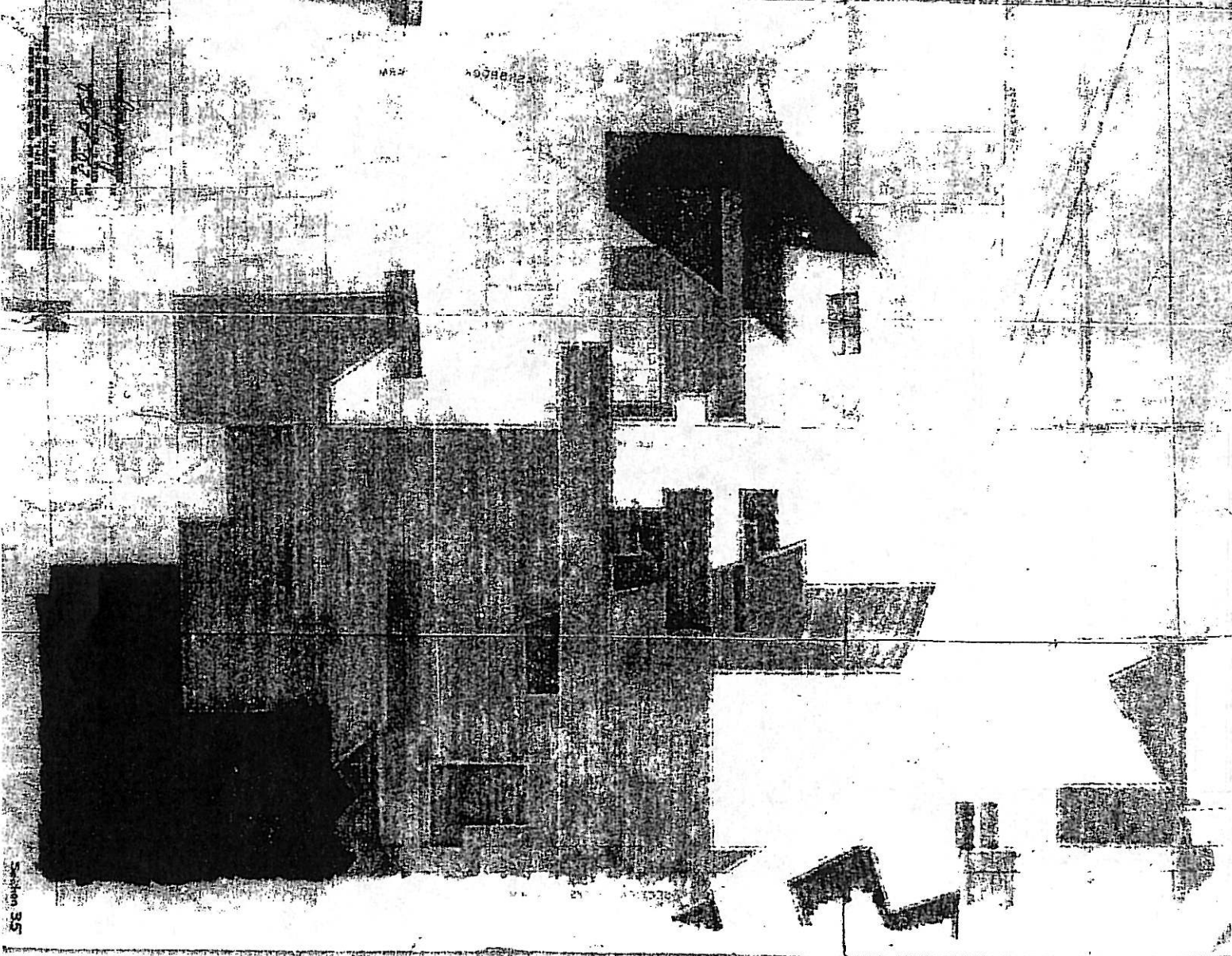
CITY OF ST. LOUIS  
*[Signature]*  
 CITY CLERK

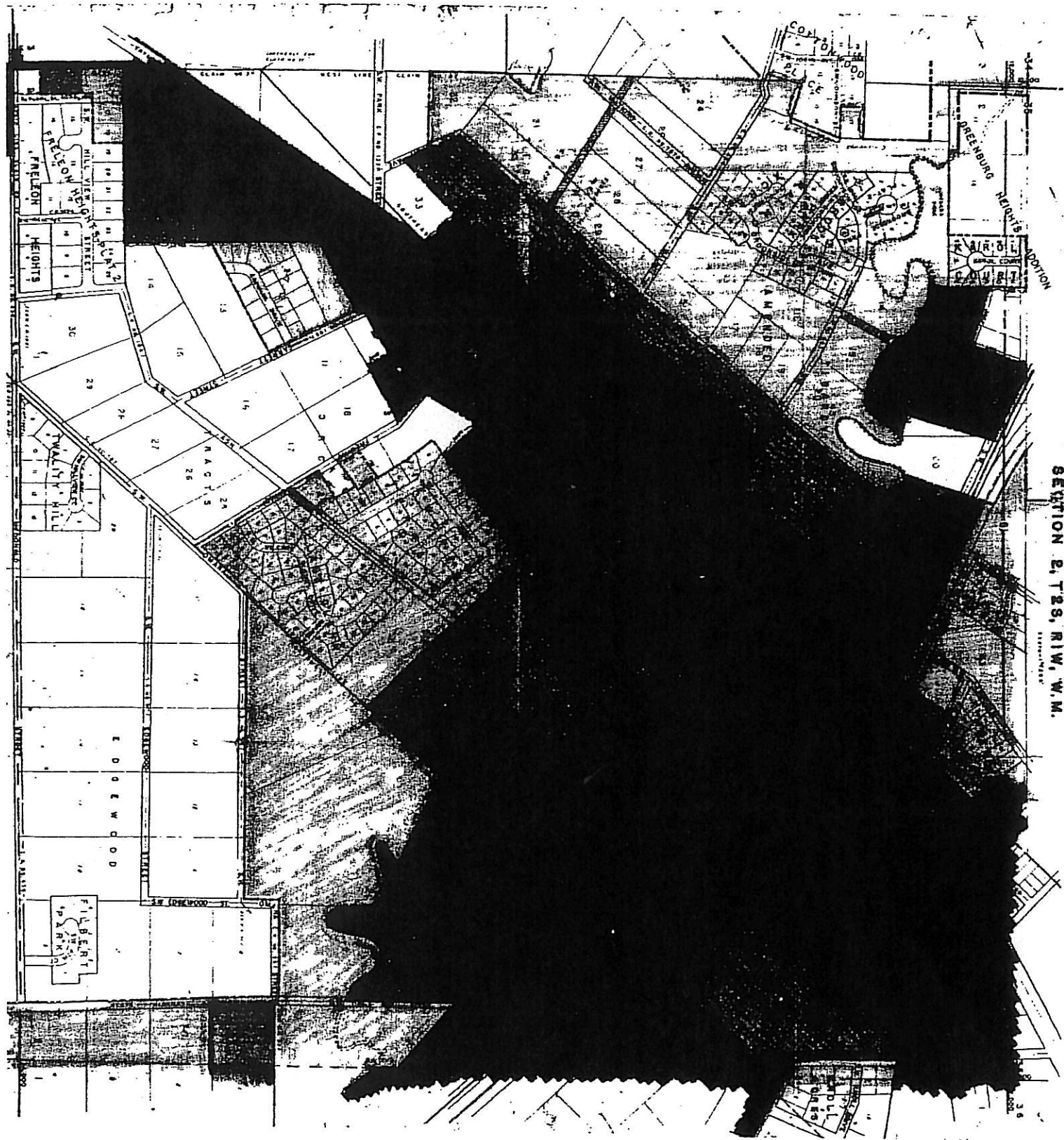
**CITY OF ST. LOUIS**  
**LEGEND OF ZONING DISTRICTS**  
**AND COLOR KEY**

- R-30 SINGLE FAMILY RESIDENTIAL
- R-15 SINGLE FAMILY RESIDENTIAL
- R-7 SINGLE FAMILY RESIDENTIAL
- A-2 MULTI-FAMILY RESIDENTIAL
- C-5 LIMITED NEIGHBORHOOD COMMERCIAL
- C-4 NEIGHBORHOOD COMMERCIAL
- C-3 GENERAL COMMERCIAL
- M-4 INDUSTRIAL PARK
- M-3 LIGHT INDUSTRIAL
- M-2 GENERAL INDUSTRIAL

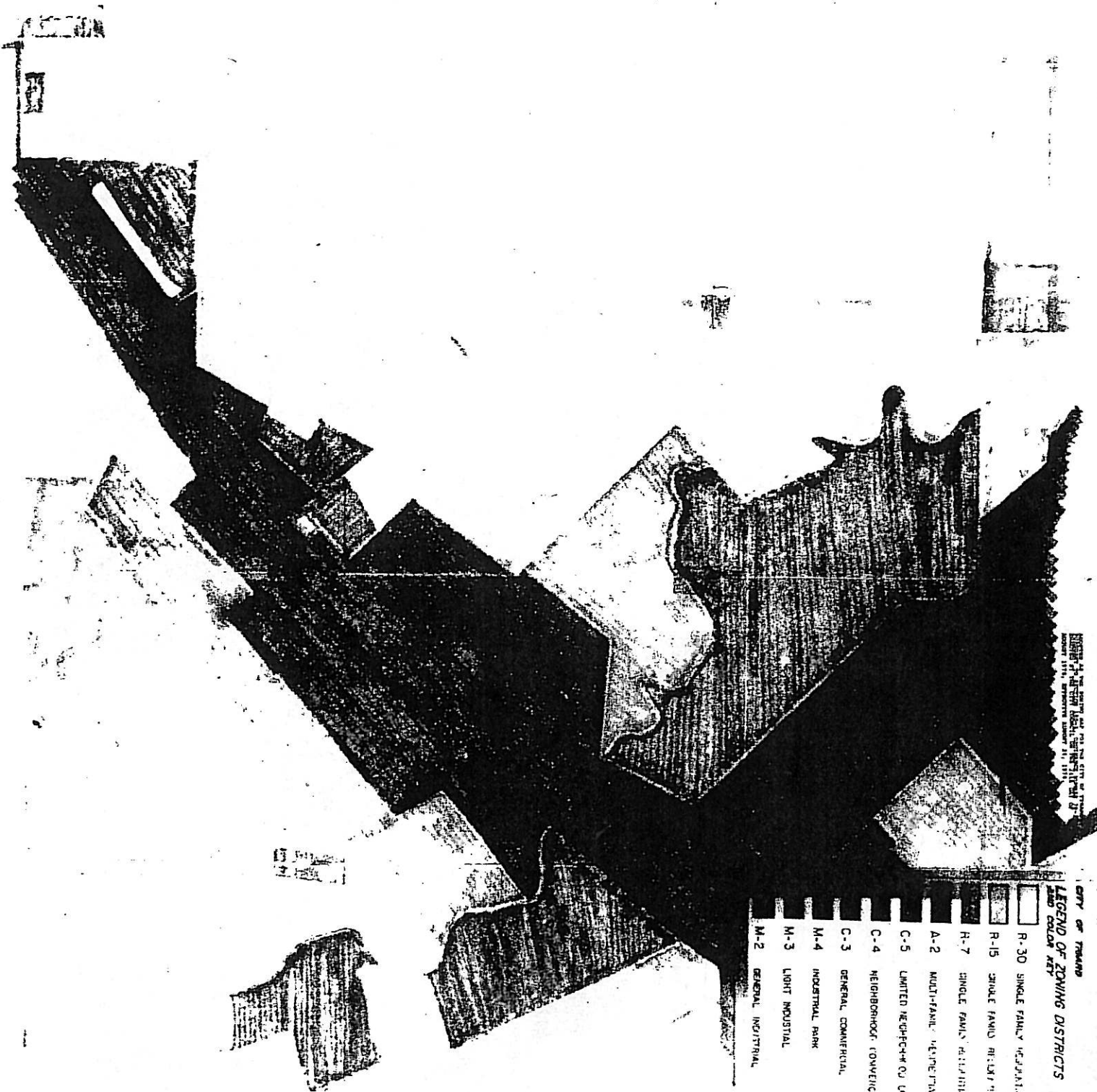
LEGEND OF ZONING DISTRICTS  
AND SYMBOL KEY

R-30	SINGLE FAMILY RESIDENTIAL
R-15	SINGLE FAMILY RESIDENTIAL
R-7	SINGLE FAMILY RESIDENTIAL
A-2	MULTI-FAMILY RESIDENTIAL
C-5	LIMITED NEIGHBORHOOD COMMERCIAL
C-14	NEIGHBORHOOD COMMERCIAL
C-3	GENERAL COMMERCIAL
IS-4	INDUSTRIAL PARK
I-3	LIGHT INDUSTRIAL
M-2	GENERAL INDUSTRIAL





SECTION 2, T2S, R1W, W.M.

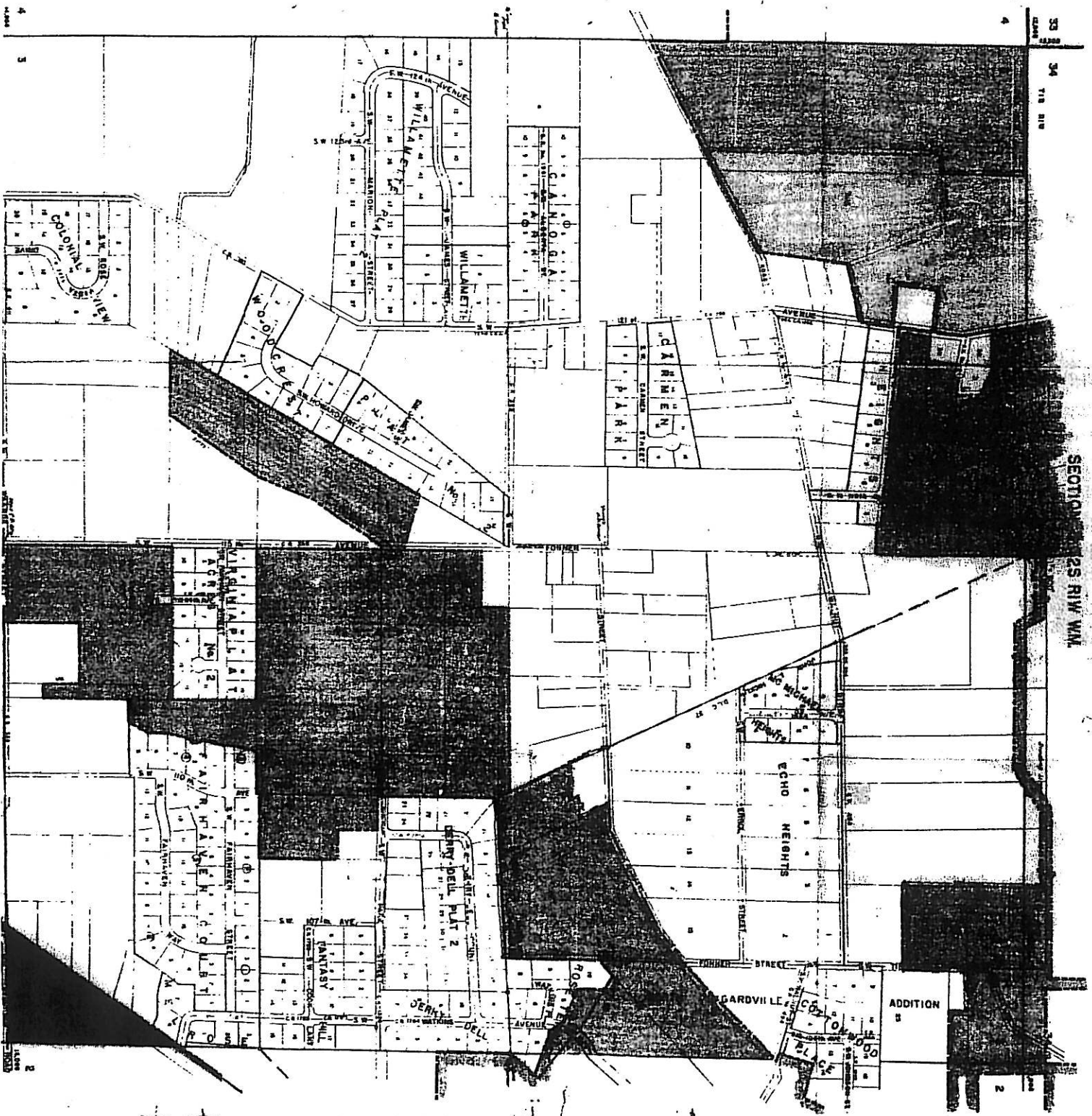


THE CITY OF CHICAGO  
 DEPARTMENT OF PLANNING AND DEVELOPMENT  
 1960

**CITY OF CHICAGO**  
**LEGEND OF ZONING DISTRICTS**  
 AND COLOR KEY

- R-30 SINGLE FAMILY RESIDENTIAL
- R-15 SINGLE FAMILY RESIDENTIAL
- R-7 SINGLE FAMILY RESIDENTIAL
- A-2 MULTIFAMILY RESIDENTIAL
- C-5 LIMITED NEIGHBORHOOD COMMERCIAL
- C-4 NEIGHBORHOOD COMMERCIAL
- C-3 GENERAL COMMERCIAL
- M-4 INDUSTRIAL PARK
- M-3 LIGHT INDUSTRIAL
- M-2 GENERAL INDUSTRIAL





SECTION 22S RIW WM.

34 T18 RIW

ADDITION 3

ECHO HEIGHTS

CLAY BELL PLAT 2

PANTASY

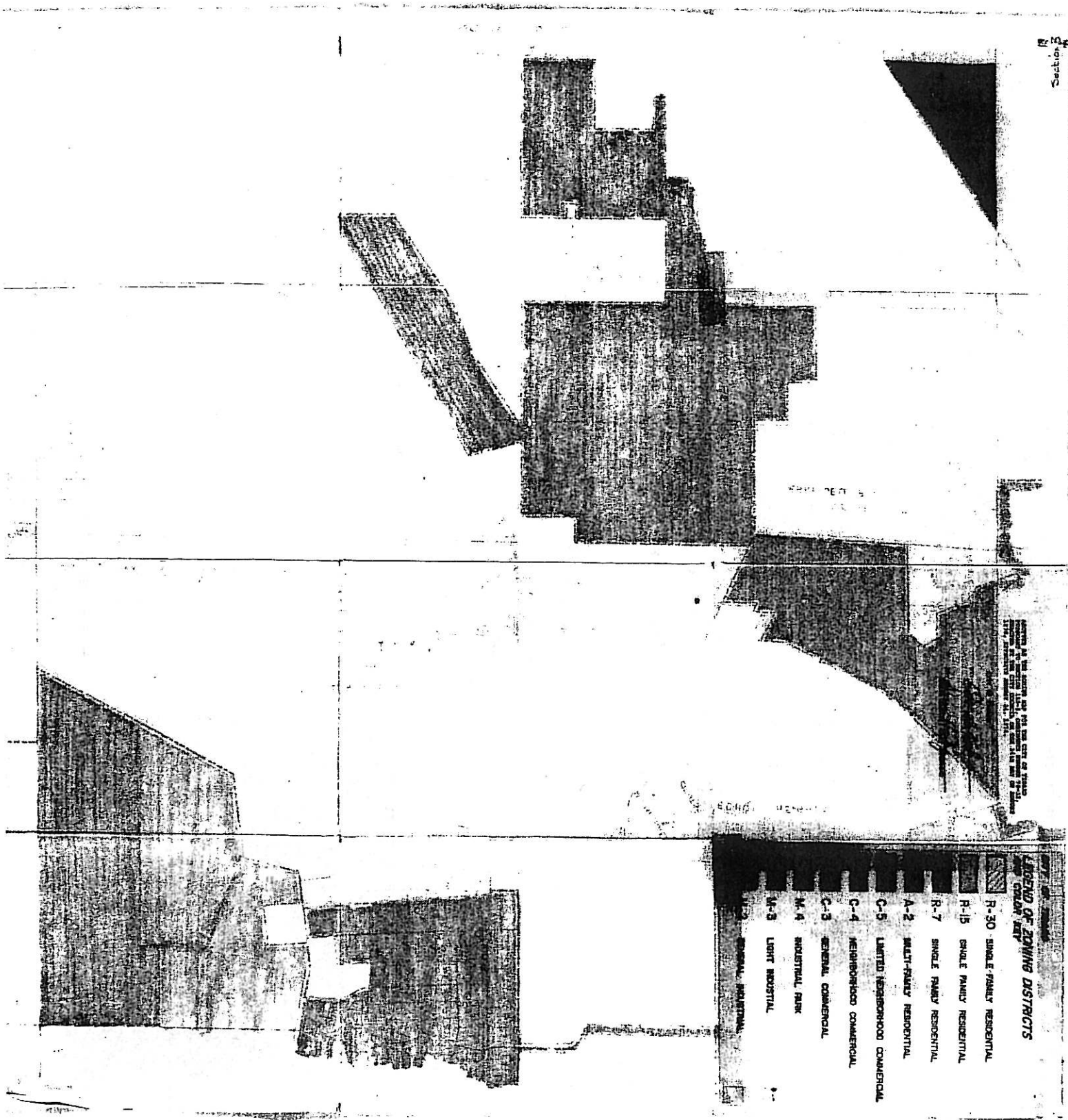
WILKINSON AVENUE

CLAY BELL PLAT 2

CLAY BELL PLAT 2

CLAY BELL PLAT 2

CLAY BELL PLAT 2

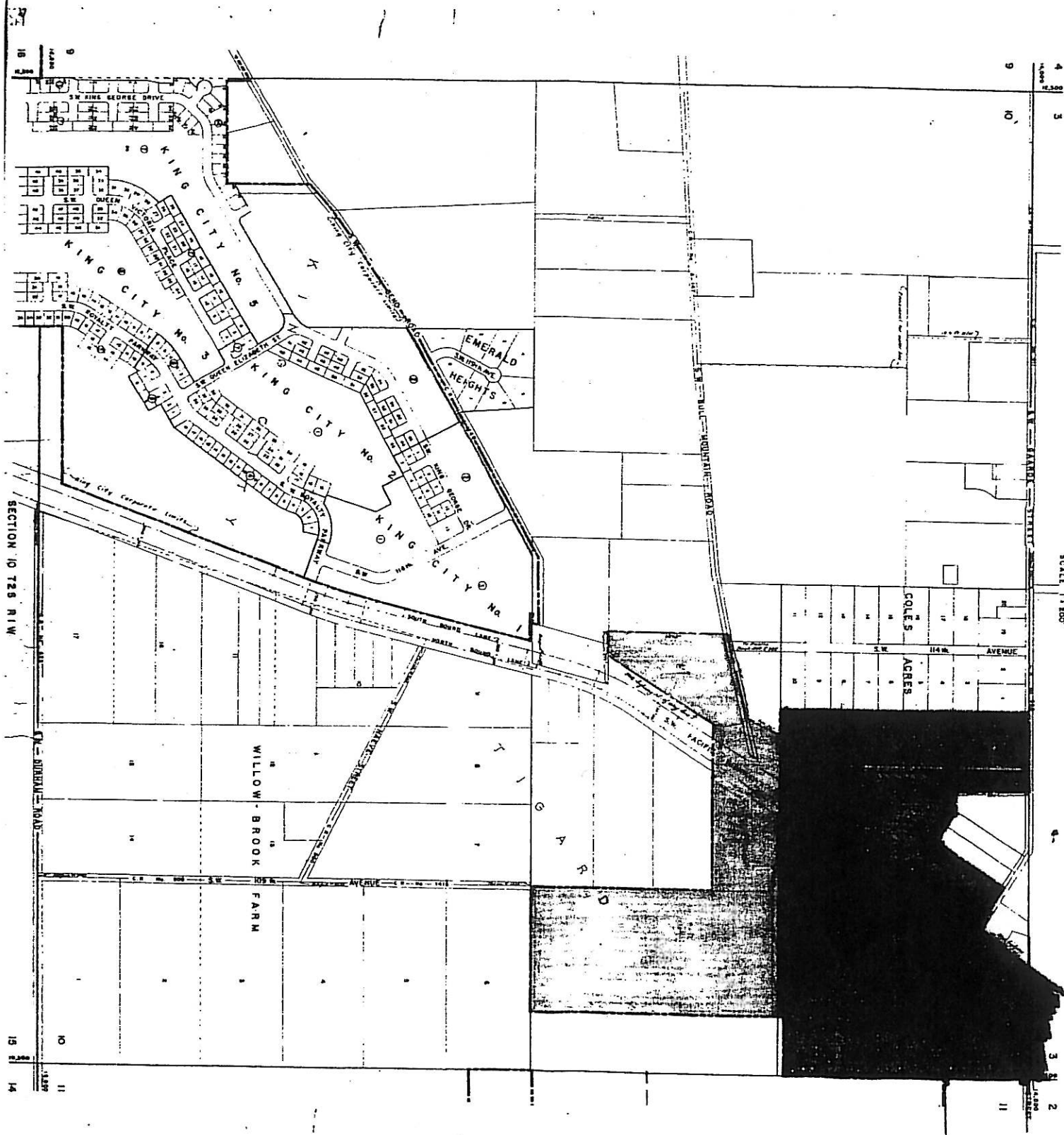


## LEGEND OF ZONING DISTRICTS

- |      |                                 |
|------|---------------------------------|
| R-30 | SINGLE FAMILY RESIDENTIAL       |
| R-15 | SINGLE FAMILY RESIDENTIAL       |
| R-7  | SINGLE FAMILY RESIDENTIAL       |
| A-2  | MULTI-FAMILY RESIDENTIAL        |
| C-5  | LIMITED NEIGHBORHOOD COMMERCIAL |
| C-4  | NEIGHBORHOOD COMMERCIAL         |
| C-3  | GENERAL COMMERCIAL              |
| M-4  | INDUSTRIAL PARK                 |
| M-3  | LIGHT INDUSTRIAL                |
| M-2  | GENERAL INDUSTRIAL              |

SECTION 10 T2S R1W WM.

SCALE 1"=200'



APPROVED BY THE BOARD OF THE CITY OF CHICAGO  
ON 12/1/24  
BY [Signature]  
CITY CLERK

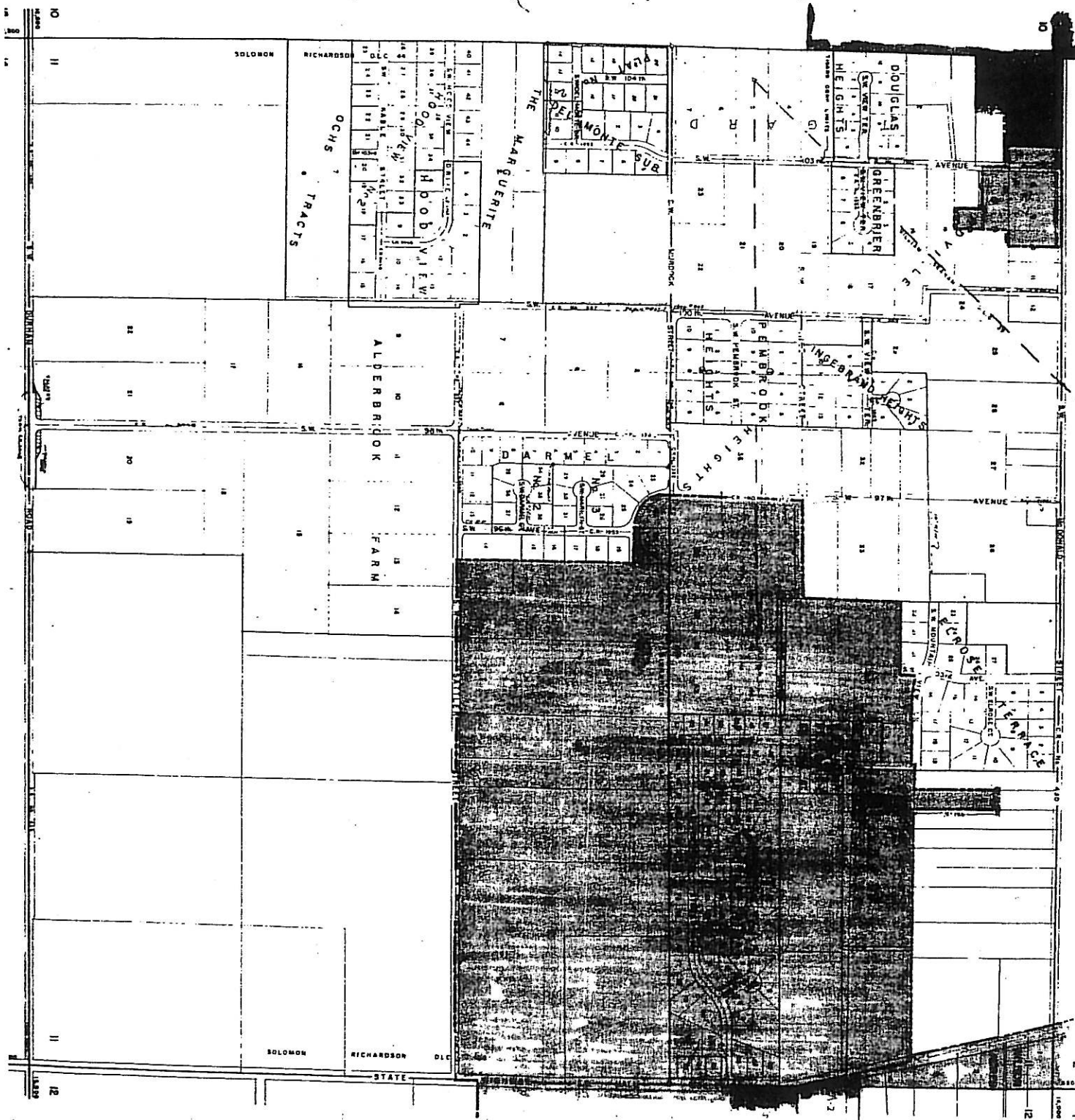
LEGEND OF ZONING DISTRICTS  
AND COLOR KEY

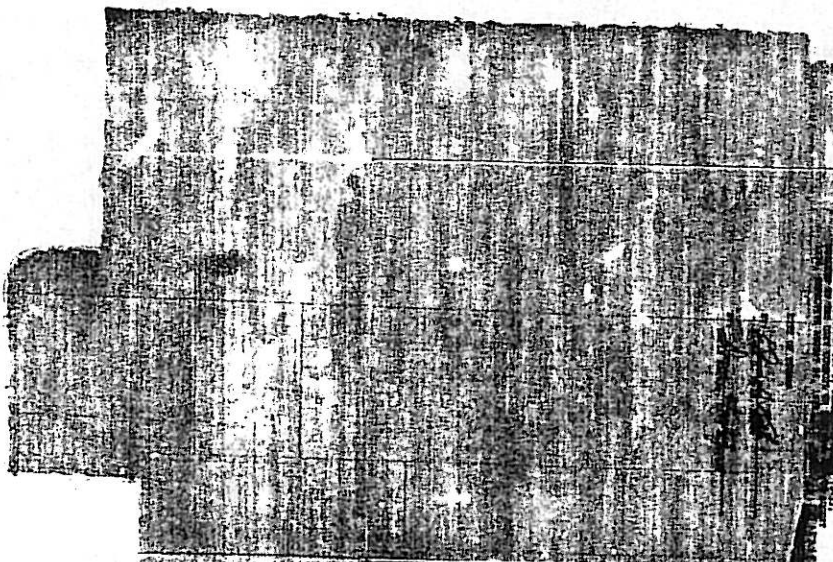
- R-30 SINGLE FAMILY RESIDENTIAL
- R-15 SINGLE FAMILY RESIDENTIAL
- R-7 SINGLE FAMILY RESIDENTIAL
- A-2 MULTI-FAMILY RESIDENTIAL
- C-5 LIMITED NEIGHBORHOOD COMMERCIAL
- C-4 NEIGHBORHOOD COMMERCIAL
- O-3 GENERAL COMMERCIAL
- M-4 INDUSTRIAL PARK
- M-3 LIGHT INDUSTRIAL
- M-2 GENERAL INDUSTRIAL



SECTION 11 T2S RIW WM

SCALE 1" = 200'

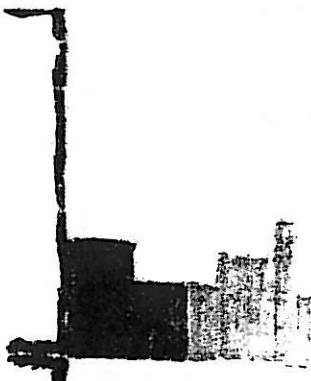


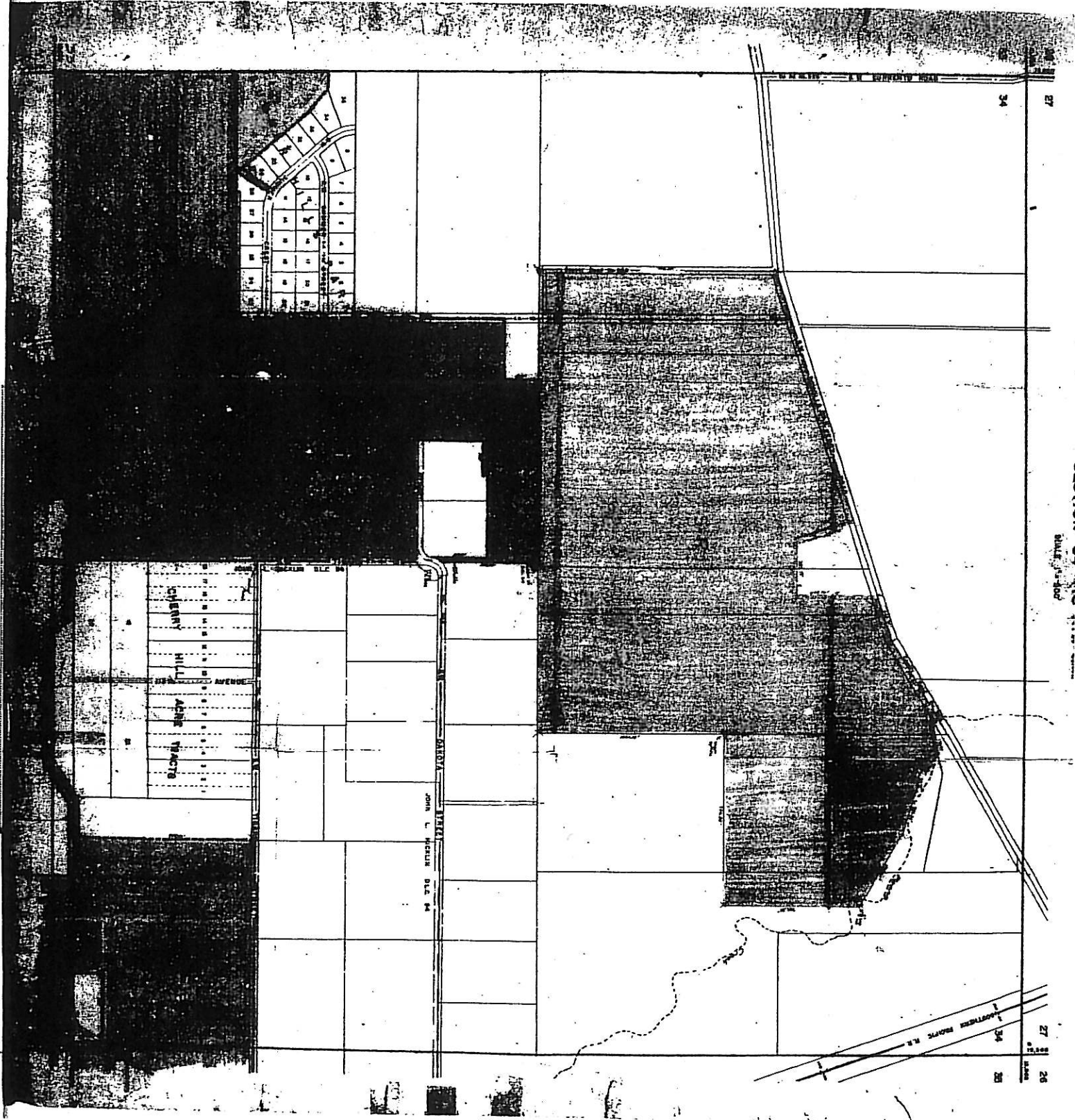


APPROVED BY THE BOARD OF THE CITY OF INDIANAPOLIS  
 MAY 19, 1924  
 CITY OF INDIANAPOLIS

**CITY OF INDIANAPOLIS  
 LEGEND OF ZONING DISTRICTS  
 AND COLOR KEY**

- R-30 SINGLE FAMILY RESIDENTIAL
- R-15 SINGLE FAMILY RESIDENTIAL
- R-7 SINGLE FAMILY RESIDENTIAL
- A-2 MULTI-FAMILY RESIDENTIAL
- C-5 LIMITED NEIGHBORHOOD COMMERCIAL
- C-4 NEIGHBORHOOD COMMERCIAL
- C-3 GENERAL COMMERCIAL
- M-4 INDUSTRIAL PARK
- M-3 LIGHT INDUSTRIAL
- M-2 GENERAL INDUSTRIAL














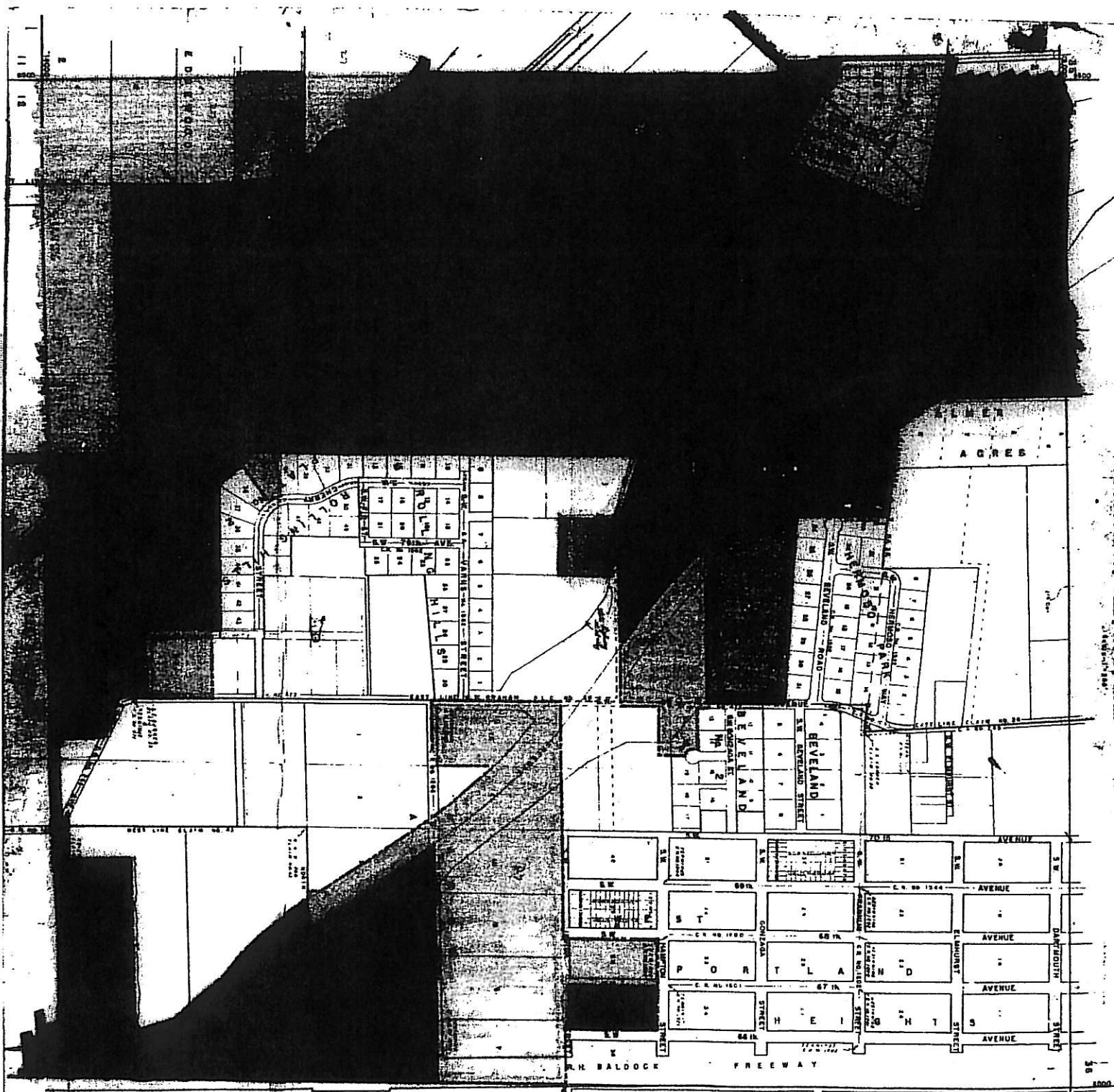
APPROVED BY THE BOARD OF THE CITY OF TULSA  
 IN THE CITY OF TULSA, OKLAHOMA, THIS 17TH DAY OF MARCH, 1934.  
 MAYOR

CITY OF TULSA  
 188-10-10-10  
 City Engineer

**LEGEND OF ZONING DISTRICTS  
 AND COLOR KEY**

-  R-30 SINGLE FAMILY RESIDENTIAL
-  R-15 SINGLE FAMILY RESIDENTIAL
-  R-7 SINGLE FAMILY RESIDENTIAL
-  A-2 MULTI-FAMILY RESIDENTIAL
-  C-5 LIMITED NEIGHBORHOOD COMMERCIAL
-  C-4 NEIGHBORHOOD COMMERCIAL
-  C-3 GENERAL COMMERCIAL
-  M-4 INDUSTRIAL PARK
-  M-3 LIGHT INDUSTRIAL





CLACKAMAS

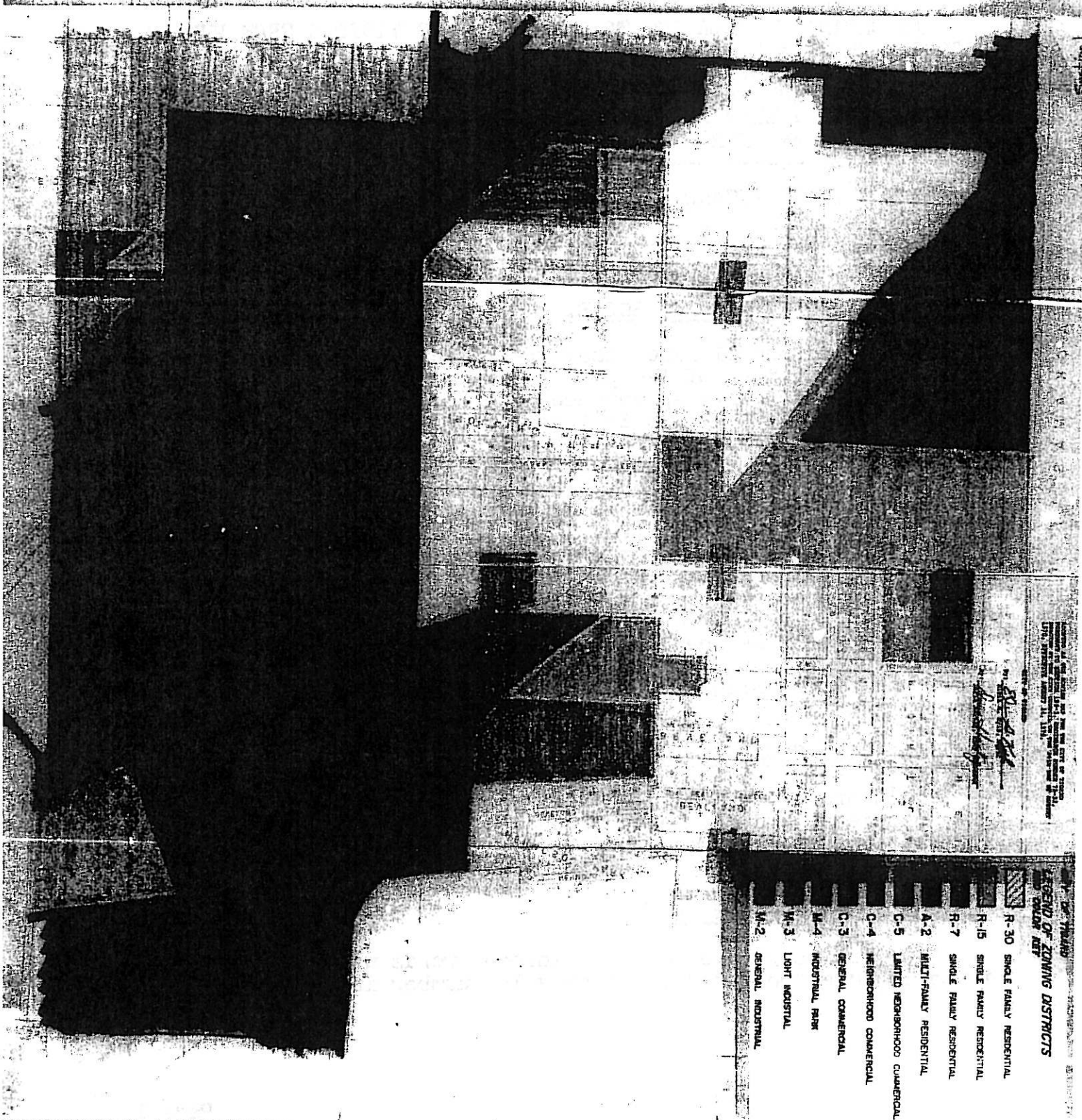
COUNTY

31  
1900

APPROVED BY THE BOARD OF THE CITY OF CHICAGO  
 MAY 11, 1911  
 CITY OF CHICAGO

# LEGEND OF ZONING DISTRICTS

- R-30 SINGLE FAMILY RESIDENTIAL
- R-15 SINGLE FAMILY RESIDENTIAL
- R-7 SINGLE FAMILY RESIDENTIAL
- A-2 MULTI-FAMILY RESIDENTIAL
- C-5 LIMITED NEIGHBORHOOD COMMERCIAL
- C-4 NEIGHBORHOOD COMMERCIAL
- C-3 GENERAL COMMERCIAL
- M-4 INDUSTRIAL PARK
- M-3 LIGHT INDUSTRIAL
- M-2 GENERAL INDUSTRIAL



CITY OF TIGARD, OREGON

ORDINANCE NO. 71 - 5

AN ORDINANCE RELATING TO OUTDOOR SIGNS VISIBLE FROM PUBLIC PROPERTY OR FROM PUBLIC RIGHTS-OF-WAY; PRESCRIBING REGULATIONS AND STANDARDS; PROVIDING FOR ADMINISTRATION AND PROCEDURES; REQUIRING LICENSES AND THE PAYMENT OF FEES; REPEALING ORDINANCE NO. 69-35; PROVIDING FOR PENALTIES; PRESCRIBING EFFECTIVE DATE AND DECLARING AN EMERGENCY.

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THE CITY OF TIGARD ORDAINS AS FOLLOWS:

CHAPTER I  
GENERAL PROVISIONS

Section 101: PURPOSE AND SCOPE.

The City Council finds that to protect the health, safety, property and welfare of the public, to improve the neat, clean, orderly and attractive appearance of the community, to improve the effectiveness of signs in identifying and advertising businesses, to provide for safe construction, location, erection, and maintenance of signs, to eliminate signs that demand rather than invite public attention and to prevent proliferation of signs and sign clutter, and to minimize adverse visual safety factors to public highway travelers, it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination and maintenance of all signs visible from public property or from public rights of way.

This ordinance shall not be construed to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other ordinance or state or federal law.

Section 102: SHORT TITLE.

This ordinance shall be known as the "SIGN ORDINANCE" of the City of Tigard and may be so cited and pleaded and shall be referred to herein as This Ordinance.

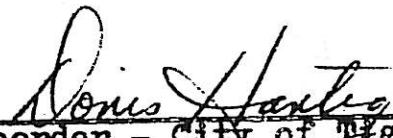
Section 103: DEFINITIONS.

For the purpose of This Ordinance, words used in the present tense include the future, the singular number includes the plural,




PASSED: By unanimous vote of all Council members present, after  
being read three times by number and title only,

this 11th day of January, 1971.

  
Recorder - City of Tigard

APPROVED: By the Mayor, this 11th day of January, 1971.

  
Mayor - City of Tigard



Title 16SIGN REGULATIONSChapters:

<u>16.04</u>	<u>Purpose, Title</u>
<u>16.08</u>	<u>Definitions</u>
<u>16.12</u>	<u>Permits</u>
<u>16.16</u>	<u>Licenses</u>
<u>16.20</u>	<u>Identification</u>
<u>16.24</u>	<u>Nonconforming Signs</u>
<u>16.28</u>	<u>Removal Provisions</u>
<u>16.32</u>	<u>Board of Appeals</u>
<u>16.36</u>	<u>Zone Regulations</u>
<u>16.40</u>	<u>Special Types of Signs</u>
<u>16.44</u>	<u>Construction and Maintenance</u>
<u>16.48</u>	<u>Administration</u>

Chapter 16.04PURPOSE, TITLESections:

- 16.04.010 Purpose and scope.  
 16.04.020 Short title.

16.04.010 Purpose and scope. The city council finds that to protect the health, safety, property and welfare of the public, to improve the neat, clean, orderly and attractive appearance of the community, to improve the effectiveness of signs in identifying and advertising businesses, to provide for safe construction, location, erection, and maintenance of signs, to eliminate signs that demand rather than invite public attention and to prevent proliferation of signs and sign clutter, and to minimize adverse visual safety factors to public highway travelers, it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination and maintenance of all signs visible from public property or from public rights-of-way.

This title shall not be construed to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other ordinance or state or federal law. (Ord. 71-5 §101, 1971).

Agenda Item No. 3  
Meeting of May 15, 2007

**COUNCIL AGENDA ITEM SUMMARY**  
City Of Tigard, Oregon

Issue/Agenda Title Tigard Grange No. 148 Ballot Measure 37 Property Compensation Claim (M372006-00002)

Prepared By: Emily Eng Dept Head Approval: RHB City Mgr Approval: CR

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**ISSUE BEFORE THE COUNCIL**

Should the City Council approve a Ballot Measure 37 claim concerning the Tigard Grange No. 148 property located at 13770 SW Pacific Highway (**Exhibit B**)?

If approved, Council must consider whether to pay compensation for the loss in property value attributed to the City's billboard prohibition or waive regulations to allow the Tigard Grange to install a billboard.

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**STAFF RECOMMENDATION**

Staff recommends that Council approve the claim and waive the subject regulations by adopting the attached ordinance (**Attachment 1**) because the subject regulations did not exist in 1876 and have restricted the property in a way that reduces its value.

---

**KEY FACTS AND INFORMATION SUMMARY**

Ballot Measure 37 states, "If a public entity enacts or enforces a new land use regulation or enforces a land use regulation enacted prior to December 2, 2004, that restricts the use of private real property or any interest therein and has the effect of reducing the fair market value of the property, or any interest therein, then the owner of the property shall be paid just compensation" (ORS 197.352(1)). Rather than paying compensation for valid claims, the Measure also gives a public entity the choice of waiving the subject regulation.

While staff recommends approval of this Measure 37 claim related to billboards, staff has recommended denial in other cases. In the case M372005-00002 (Hi-Hat, Inc.), staff recommended denial based on the fact that the claimant could not prove ownership. In the case of M372006-00001 (Truck Terminals), staff is recommending denial based on the fact that the desired use (billboard) was not permitted when the claimant acquired the property in 1970.

The claimant Tigard Grange demands compensation in the amount of \$178,813 for the loss in property value resulting from regulations in the Sign Code (Tigard Development Code Chapter 18.780) that restrict the claimant from placing a billboard on the subject property since its ownership date of 1876. Because the subject regulation is part of the Development Code, it would be considered a zoning ordinance and, therefore, a "land use regulation" as defined by Measure 37 (defined in ORS 197.352(11)(B)(iii) as "local government comprehensive plans, zoning ordinances, land division ordinances, and transportation ordinances"). The subject regulation is considered a "Zoning District Regulation" in the Sign Code (Section 18.780.130 (Zoning District Regulations), Subsection C (In the C-G and CBD Zones). In addition, it is a "land use regulation" that restricts the property owner's use of its property (i.e., installing a billboard on the property).

Staff finds the claim to be valid and recommends approval of the claim. Below are the key facts and findings that support staff's recommendation:

- ♦ The claimant has provided evidence of continuous ownership since July 22, 1876, when the subject regulations did not exist;
- ♦ The subject regulation has been in place since 1993 (Ordinance No. 93-12), after the claimant acquired the subject property. An earlier regulation, Ordinance No. 67-21 did not allow billboards but was repealed January 11, 1971 by Ordinance No. 71-5. This regulation was also enacted after the claimant's ownership date;
- ♦ Tigard Community Development Code Section 18.780.070.M currently prohibits billboards and, therefore, restricts the subject property in a way that reduces its value relative to a potential lease;
- ♦ Tigard Community Development Code Section 18.780.130.C currently allows freestanding signs up to 90 square feet per face and up to 22 feet in height, whereas a typical billboard is 672 square feet per face and much higher; and
- ♦ The application was properly filed with the City (**Attachment 2**) and staff has not found reasons to deny this claim based on procedural inadequacies.
- ♦ This claim does not qualify as one of the exemptions listed in the text of Measure 37 (historically recognized public nuisances based on common law; public health and safety as defined by the Measure; restricted by federal law; and regulation enacted prior to ownership date.). With regard to public health and safety, staff determined that prohibiting billboards is not a protection of public health and safety as defined by Measure 37. Public health and safety are defined in ORS 197.352(3)(B) as "fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations." The billboard prohibition is an aesthetic protection for public welfare, which would not qualify as a public health and safety regulation that is exempt from the Measure.

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#### OTHER ALTERNATIVES CONSIDERED

Council may consider adopting additional findings to deny the claim.

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#### CITY COUNCIL GOALS

N/A

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#### ATTACHMENT LIST

**Attachment 1:** Proposed Ordinance  
Exhibit A: Staff Report  
Exhibit B: Vicinity Map  
**Attachment 2:** Applicant's Materials

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#### FISCAL NOTES

The applicant provided a \$1,000 deposit to cover application review costs. This deposit will be refunded to the applicant as Tigard Municipal Code Chapter 1.20 requires if Council determines the claim is valid.

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 07-\_\_\_\_\_

AN ORDINANCE ADOPTING FINDINGS TO GRANT A BALLOT MEASURE 37 CLAIM (M372006-00002) WAIVER OF THE TIGARD DEVELOPMENT CODE CHAPTER 18.780 AND COMPREHENSIVE PLAN POLICIES RELATING TO SIGNS THAT ARE MORE RESTRICTIVE THAN THOSE IN PLACE ON JULY 22, 1876 WHEN THE 0.93-ACRE PARCEL LOCATED AT 13770 SW PACIFIC HIGHWAY (WCTM 2S103DD, TAX LOT 600) WAS ACQUIRED BY THE TIGARD GRANGE NO. 148; AND TO ALLOW DEVELOPMENT UNDER THE REGULATIONS IN PLACE AT THAT TIME, SUBJECT TO THE STANDARD SIGN PERMIT APPLICATION PROCESS.

---

WHEREAS, the voters of the State of Oregon passed Ballot Measure 37 in 2004; and

WHEREAS, Ballot Measure 37 provides the responsible governing body to either pay compensation for reduced property value or waive the more restrictive regulations where property is owned prior to the adoption of said land use regulations; and

WHEREAS, a claim was made by Tigard Grange No. 148 in the amount of \$178,813.00 as the reduction in the value of the property under the current Tigard Community Development Code; and

WHEREAS, the Tigard Grange has owned the property since July 22, 1876, preceding the current Tigard Community Development Code regulations and other applicable standards;

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The attached staff report **(Exhibit A)** and vicinity map **(Exhibit B)** are hereby adopted as findings.

SECTION 2: A waiver from the Tigard Community Development Code standards is hereby granted to Tigard Grange No. 148 to install a billboard, subject to the standard sign permit application process. Once the Tigard Grange ceases to be the owner, however, any expansion or major modification beyond development applied for during this ownership shall be subject to the land use regulations in effect at the time of application.

SECTION 3: This waiver applies to the property south of SW Pacific Highway, east of its intersection with SW McDonald/SW Gaarde Streets at 13770 SW Pacific Highway; WCTM 2S103DD, Tax Lot 600.

SECTION 4: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By \_\_\_\_\_ vote of all Council members present after being read by number and title only, this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Craig Dirksen, Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

**STAFF REPORT TO THE  
CITY COUNCIL  
FOR THE CITY OF TIGARD, OREGON**



**180 DAY REVIEW PERIOD = 5/15/2007**

**SECTION I. CLAIM SUMMARY**

**FILE NAME:** TIGARD GRANGE NO. 148 PROPERTY COMPENSATION CLAIM

**FILE NO:** Measure 37 Claim (M37) **M372006-00002**

**CLAIMANT/  
OWNER:**

Tigard Grange No. 148  
PO Box 230252  
Tigard, OR 97281

**CLAIMANT'S  
REP:**

Jill S. Gelineau  
Schwabe, Williamson & Wyatt  
1211 SW 5th Avenue, Suite 1900  
Portland, OR 97204

**CLAIM:** The claimant demands compensation of \$178,813 for loss in property value resulting from regulations that restrict the claimant from placing a billboard on the subject property. The claimant has owned the subject property since July 22, 1876.

**AFFECTED**

**REGULATION:** Tigard Development Code, in particular but not limited to Chapters 18.780 and 18.520; and Tigard Comprehensive Plan.

**ZONING**

**DESIGNATION:** C-G: General Commercial District. The C-G zoning district is designed to accommodate a full range of retail, office and civic uses with a City-wide and even regional trade area. Except where non-conforming, residential uses are limited to single-family residences which are located on the same site as a permitted use. A wide range of uses, including but not limited to adult entertainment, automotive equipment repair and storage, mini-warehouses, utilities, heliports, medical centers, major event entertainment, and gasoline stations, are permitted conditionally.

**LOCATION:** 13770 SW Pacific Highway; Washington County Tax Map 2S103DD, Tax Lot 600 (**Exhibit B**).

**APPLICABLE**

**CODE CRITERIA:** Tigard Municipal Code Chapter 1.20.

**SECTION II. STAFF RECOMMENDATION**

Staff recommends that the City Council review the following report and determine whether the claim is valid. That is, whether the City's sign regulations have restricted the claimant's use of the subject property in a way that reduces its fair market value since the claimant acquired it on July 22, 1876. Staff finds the claim to be valid and recommends that Council waive the subject regulations based on the analysis in this report.

### **SECTION III. BACKGROUND**

The 0.92-acre subject property is located on SW Pacific Highway, east of its intersection with SW McDonald Street/SW Gaarde Street. The claimant, Tigard Grange No. 148, acquired the property on July 22, 1876 and the existing building has been in use since 1925. The subject property is currently zoned C-G (General Commercial) with an HD (Historic District) overlay. The earliest record of zoning for the parcel that staff could recover was from 1981, when the parcel was zoned C-3 (General Commercial). The parcel remained General Commercial with the adoption of the 1982 Comprehensive Plan. It received its historic designation in 1986. Today the Grange site is surrounded by a mix of commercial, institutional and residential uses. Prior land use approvals show that the site is occasionally used for seasonal outdoor sales, such as Christmas Trees and produce.

### **SECTION III. APPLICABLE CRITERIA AND FINDINGS**

**Section 1.20.030 states a property owner wishing to make a claim against the City under Measure 37 shall first submit a claim to the City. A claim under Measure 37 must be in writing and include:**

**A. Identification of the affected property. Identification may be by street address, subdivision lot number, tax lot number, or any other information that identifies the property.**

The subject property is located in Tigard at 13770 SW Pacific Highway, Washington County Tax Map 2S103DD, Tax Lot 600.

**B. The name and contact information of the person making the claim, the date the Claimant acquired the property, and, if applicable, the date that a family member of Claimant acquired the property and the names and relationships of family members that are previous owners.**

The claimant is Tigard Grange No. 148 who has continuously owned the subject property since July 22, 1876 according to a title report dated September 6, 2006. Tigard Grange has no family members. Tigard Grange's representative is Jill Gelineau of Schwabe, Williamson and Wyatt Law Firm.

**C. A list of all persons with an ownership interest in or a lien on the property.**

Tigard Grange is the only entity with an ownership interest in the subject property.

**D. Identification of the regulation that is alleged to restrict the use of the affected property and a statement describing how the restriction affects the value of the property.**

The claimant specifically cites sections 18.780.070 and 18.780.085 of the Tigard Municipal Code as regulations that restrict its use of the subject property. In addition, the claimant included "Exhibit B" with their Measure 37 claim which contains the City's Community Development Code Chapters 18.780, Signs, and Chapter 18.520, Commercial Zoning Districts, in their entirety. Below is staff's summary of the subject regulations:

- Section 18.780.070.M (Certain Signs Prohibited) prohibits billboards.
- Section 18.780.085 (Sign Measurement) provides the method to determine the size of freestanding signs, but does not itself set limitations on size of particular sign types or with respect to zones.
- Section 18.780.130.C contains sign restrictions applicable to the C-G zone which allow only one free standing sign per site and which prohibits any freestanding sign larger than 70 square feet per face or a total of 140 square feet for all sign faces.
- Section 18.780.130.C.1.d allows a property owner or tenant to apply for an adjustment to allow a freestanding sign in the same zone to be up to 90 square feet per face or a total of 180 square feet, depending on certain conditions.
- Section 18.780.130.C.1.e limits the height of a freestanding sign in the same zone to 20 feet, or up to 22 feet with an adjustment.
- Section 18.780.015.A.8, which defines "Billboard" as "a freestanding sign in excess of the maximum size allowed, with adjustments, in the locations where it is located or proposed to be located," reinforces the fact that billboards are not permitted.

Because the subject regulation is part of the Development Code, it would be considered a zoning ordinance and, therefore, a "land use regulation" as defined by Measure 37 (defined in ORS 197.352(11)(B)(iii) as "local government comprehensive plans, zoning ordinances, land division ordinances, and transportation ordinances"). The subject



regulation is considered a “Zoning District Regulation” in the Sign Code (Section 18.780.130 (Zoning District Regulations, Subsection C (In the C-G and CBD Zones)). In addition, it is a “land use regulation” that restricts the property owner’s use of its property (i.e., installing a billboard on the property).

The claimant’s estimate of the reduction in fair market value of the subject property (as a result of the restrictions discussed above) is \$178,813, the net present value of a proposed billboard lease.

**E. A statement whether the Claimant prefers compensation or a waiver, suspension or modification of the regulation, and a statement describing the extent to which the regulation would need to be waived, suspended or modified to avoid the need for compensation. A description of the proposed use must be provided.**

Tigard Grange requests compensation of \$178,813 for the reduction in property value caused by the regulations that prohibit the placement of a billboard. In-lieu of payment, the claimant would welcome a waiver of regulations currently in effect, as long as the removal is transferable to subsequent owners and the subsequent owners would be able to place a billboard on the subject property.

To assess the extent to which the regulations would need to be waived, the claimant has not provided a description of the proposed use beyond that stated in the applicant’s Exhibit C, “a potential property lease for a permanent easement on a billboard site.” However, it can be assumed all regulations that limit the placement of a billboard would have to be waived.

Staff finds that Tigard Development Code (TDC) Section 18.780.070.M, which prohibits billboards, would need to be waived to allow the proposed billboard. The definition for billboard in Section 18.780.015.A.8 would also need to be modified accordingly. TDC Section 18.780.130.C, which limits the size and height of signs in the C-G zone would need to be modified to allow the greater size of a typical billboard (approximately 14 feet high by 48 feet long, or 672 square feet per side) and the required height.

**F. The amount claimed as compensation and documentation supporting the amount. The documentation shall include a market analysis, an appraisal, or other documentation at least equivalent to a market analysis.**

The claimant has provided a written demand for compensation of \$178,813. In support of this amount, the claimant has submitted a letter dated August 15, 2005, from Brian Oliver, Aequitas Capital Management, which provides a method for determining the economic value to the rights of a potential property lease for a permanent easement on a billboard site. The amount of \$178,813 is the net present value of a proposed lease over a 20-year initial term if the annual base lease rate was \$20,000.

**G. The name and contact information of the Claimant’s authorized representative or representatives, if applicable.**

The claimant’s authorized representative is Jill S. Gelineau, who can be reached at Schwabe, Williamson & Wyatt Law Firm, 1211 SW 5<sup>th</sup> Avenue, Suite 1900, Portland, OR 97204 or (503) 222-9981.

**Section 1.20.080 outlines the criteria for making a decision on the compensation claim. In reviewing the claim and this report the claim, the Decision Maker may take any of the following actions:**

**DENY the claim based on any one or more of the following findings:**

**a. The regulation does not restrict the use of the private real property.**

The claim can not be denied on this basis. Code Section 18.780.070.M, which prohibits billboards, does restrict the placement of a billboard on the subject property. Section 18.780.130.C, which limits the size and height of signs in the C-G zone does restrict the size and height of the sign allowed to less than the typical billboard size and height. The TDC defines billboard as “a freestanding sign in excess of the maximum size allowed, with adjustments, in the locations where it is located or proposed to be located.” This definition indicates that billboards are not allowed under any circumstances.

**b. The fair market value of the property is not reduced by the passage or enforcement of the regulation.**

Based on the available information, staff does not recommend denying the claim on this basis. While the claimant has not submitted a market analysis, appraisal, or other documentation to substantiate the claim amount, it is reasonable to assume that some value could be attributed to the billboard use of the subject property.

**c. The claim was not timely filed.**

The claim can not be denied on this basis because it was timely filed on November 16, 2006, within two years of passage of Measure 37 and prior to December 4, 2006.

**d. The Claimant is not the current property owner.**

The claim can not be denied on this basis because the claimant is the current property owner, as shown in a title report dated September 6, 2006.

**e. The Claimant or family member of Claimant was not the property owner at the time the regulation was adopted.**

The claim can not be denied on this basis. As shown in the title report, the claimant has been the sole continuous owner the subject property since July 22, 1876. Therefore, the claimant was the property owner at the time the prohibition on billboards was adopted in 1993 (Ordinance No. 93-12). NOTE: An earlier regulation, Ordinance 67-21 (repealed by Ordinance 71-5 on January 11, 1971), restricted the billboard use in the same type of general commercial zone by listing only signs “essential or incidental to any permitted use in the zone and not entirely within an enclosed building” as “permitted.” However, the claimant acquired the subject property before this ordinance as well.

**f. The regulation is a historically and commonly recognized nuisance law or a law regulating pornography or nude dancing.**

The claim can not be denied on this basis because the regulation is not a historically and commonly recognized nuisance law or law regulating pornography or nude dancing.

**g. The regulation is required by federal law.**

The claim can not be denied on this basis because the subject regulations were adopted and are enforced as City regulations and are not know by staff to be based on federal requirements.

**h. The regulation protects public health and safety.**

The claim can not be denied on this basis because the subject regulations are not directly linked to public health and safety as defined by Measure 37. Public health and safety are defined in ORS 197.352(3)(B) as “fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations.” The billboard prohibition may be generally related to public health and safety, but is more an aesthetic protection for public welfare. However, the Measure doesn’t take into consideration public welfare.

Based on staff findings and the City Attorney’s advice, staff determined that prohibiting billboards is not a protection of public health and safety as defined by Measure 37. However, if the claimant receives a waiver of the subject regulations, it would still be required to submit applications for a land use permit and a building permit. The permit reviews would determine whether the billboard complies with general provisions of the Development Code and Building Code.

**i. The City is not the entity responsible for payment. The City is not responsible if the challenged law, rule, ordinance, resolution, goal or other enactment was not enacted or enforced by the City.**

The claim can not be denied on this basis because the City adopted the present billboard prohibition (Ordinance No. 93-12) and is the jurisdiction responsible for enforcing the rules being challenged.

**j. The City has not taken final action to enforce or apply the regulation to the property for which compensation is claimed.**

The claim can not be denied on this basis. On October 5, 2006, Keith Benjamin of the claimant’s representative’s office was informed by Christine Darnell, the City’s Code Compliance Specialist, that the placement of a billboard is not allowed. Therefore, the City has taken final action to enforce or apply the regulation to the subject property.

**k. The City has not established a fund for payment of claims under Measure 37.**

The claim can not be denied on this basis. Although the City has not established a fund for payment of claims under Measure 37, the City may grant a waiver or suspension of regulations.

**1. The Claimant is not legally entitled to compensation for a reason other than those listed in subsections a through k. The basis for this finding must be clearly explained.**

Based on available information, staff finds no other reasons to deny the claim.

**Based on the review of the claim and this report, the Decision Maker may also decide to:**

**2. Pay compensation, either in the amount requested or in some other amount supported by the evidence. If the City pays compensation, the City shall continue to apply and enforce the regulation. Any compensation shall be paid from funds appropriated for that purpose. The City may require any person receiving compensation to sign a waiver of future claims for compensation under Measure 37 and the City may record that waiver with the County Recorder.**

Staff finds that the claimant has not adequately demonstrated the value of the claim and does not recommend that Council pay compensation.

**3. Waive or not apply the regulation to allow the owner to use the property for a use permitted at the time the Claimant acquired the property.**

The City Council may consider waiving the subject regulations. If granting a waiver, Council must decide if the waiver would be transferable to subsequent property owners, or if the waiver would be a specific exemption to allow the property owner (Tigard Grange) to install the proposed billboard. Staff recommends the applicant be required to apply for land use and building permits so that staff may review the proposed sign for compliance with general provisions of the Development and Building Codes.

**4. Modify the regulation so that it does not give rise to a claim for compensation. Any such modification shall be for the specific property only unless the City follows the procedure for a legislative land use decision.**

The regulation can not be modified to allow the claimant what it desires. Since the regulation is a prohibition on billboards, there is no opportunity to modify it without a complete waiver that would allow the billboard.

**5. Conditionally waive or suspend the regulation subject to receipt of a defined amount of contributions toward compensation by a specified date from persons opposed to the waiver or suspension, such as persons who believe they would be negatively affected by waiver or suspension, with the waiver or suspension being granted if the defined amount of contributions is not received by the specified date. If the contributions are received, compensation shall be paid within 180 days of the date the claim was filed. The specified date shall allow the City time to process the contributions and pay compensation.**

No contributions for compensation have been identified at this time. In addition, the 180-day processing deadline ends May 15, 2007. Therefore, this action is not an option.

**The Decision Maker may take other actions it deems appropriate in individual circumstances, may modify the listed actions, and/or may combine the listed actions, consistent with Measure 37. The Decision Maker may negotiate an acceptable solution with the Claimant or may direct staff to negotiate with the Claimant. In the event that the Decision Maker directs staff to negotiate, the matter shall be set for further action by the Decision Maker no less than 175 days from the date of the notice of claim became complete. The Council shall take final action within 180 days of the claim. The Decision Maker shall take actions 2 through 5 only if it determines the claim is valid.**

Staff does not recommend any options other than what has already been mentioned.

**A decision by a Decision Maker other than Council shall not be a final decision, but shall be a recommendation to Council.**

This staff report contains only recommendations to the City Council and is not a final decision of the City.

## **SECTION IV. CONCLUSION**

Based on the information provided by the claimant and the findings contained in this report, staff recommends that this claim be approved because the City's sign regulations restrict the claimant's use of the subject property in a way that reduces its property value, or an interest therein, since the property was acquired in 1876. If Council decides to waive the prohibition on billboards and size and height limit for signs, Council shall decide whether or not the waiver should be subject to the following: 1) a condition that the exemption is not transferable; and 2) a condition that the applicant must apply for land use and building permits.

Staff believes the use of the Measure 37 claim process for billboard construction was not intended by the voters and it is unfortunate the law can provide such an opportunity. With the subject regulations in place, the Tigard Grange property (designated Historic) and other properties in the same zone would be able to install a freestanding sign up to 90 square feet per face. Without the subject regulations, the Tigard Grange property will be allowed to install a freestanding sign of 672 square feet per face, which is 7.5 times more than what other properties in the same zone would be allowed.

While staff recommends approval of this Measure 37 claim related to billboards, staff has recommended denial in other cases. In the case M372005-00002 (Hi-Hat, Inc.), staff recommended denial based on the fact that the claimant could not prove ownership. In the case of M372006-00001 (Truck Terminals), staff is recommending denial based on the fact that the desired use (billboard) was not permitted when the claimant acquired the property in 1970. Tigard Grange's advantage in this case is its ownership date of 1876, when the subject property would not have been restricted from installing a billboard.

It is unlikely that billboards existed when the claimant acquired the subject property in 1876, but Measure 37 allows property owners to submit claims based on a loss of property value resulting from regulations that restrict the use of the property today. Therefore, the Measure doesn't require jurisdictions to consider whether a use was realistic in the past or whether the property owner ever intended to install a billboard prior to Measure 37 being passed.

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PREPARED BY: Emily Eng  
Assistant Planner

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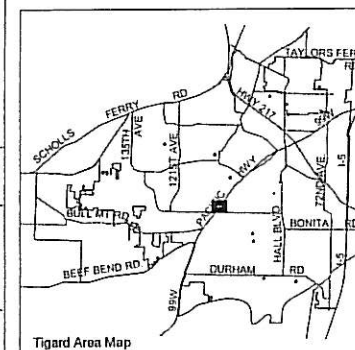
May 1, 2007  
DATE

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REVIEWED BY: Richard H. Bewersdorff  
Planning Manager

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May 1, 2007  
DATE



1"= 200 feet



Information on this map is for general location only and  
should be verified with the Development Services Division.  
13125 SW Hall Blvd  
Tigard, OR 97223  
(503) 639-4171  
<http://www.ci.tigard.or.us>



## PROCEDURE FOR BALLOT MEASURE 37 COMPENSATION CLAIM

City of Tigard Permit Center 13125 SW Hall Blvd., Tigard, OR 97223  
Phone: 503.639.4171 Fax: 503.598.1960

The claim must be in writing and include the information listed below. The claim shall not be considered filed until all of the requirements of the procedure are met.

### FOR STAFF USE ONLY

Case No.: M37 2006-00002

Application Accepted By: S. TREAT

Date: 11/16/06

Date Determined Complete: \_\_\_\_\_

Deposit: \$1,000 (Deposit to be refunded if claim is determined to be valid. If claim is denied and ultimately determined invalid, the claimant shall reimburse the City for the costs the City incurs in processing the claim. If reimbursement exceeds the deposit, the claimant shall pay any additional amount within 30 days of a demand by the City for full payment. If costs are less than the deposit, the difference will be refunded to the claimant.)

### IDENTIFICATION OF AFFECTED PROPERTY

Property Street Address/Location(s): 13770 SW Pacific Highway

Tax Map & Tax Lot # (s): Township 2 South Range 1 West Section 3DD Tax Lot 600

Subdivision Lot # (s): \_\_\_\_\_

### CLAIMANT INFORMATION

Property Owners/Claimants/Deed Holders\*: Tigard Grange

Address: PO Box 230252

Phone: (503) 590-7773

City/State: Tigard, Oregon

Zip: 97281

(Attach list if more than one)

Date Claimant Acquired Property: July 22, 1876

Date Family Member of Claimant Acquired Property (if applicable): \_\_\_\_\_

Names and Relationships of Family Members that are Previous Owners (if applicable):

\_\_\_\_\_

\_\_\_\_\_

(Attach list if additional space is needed)

Lien/Security Interest Holders of the affected property: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

City/State: \_\_\_\_\_

Zip: \_\_\_\_\_

(Attach list if more than one)

\* When the owner and the applicant are different people, all owners of the affected property must sign this application in the space provided on the back of this form. If the affected property is owned by two or more persons and not all owners seek compensation, all owners who do not seek compensation shall sign a waiver of the right to compensation.

REGULATION RESTRICTING USE

Identify the regulation that is alleged to restrict use of affected property. Provide a statement describing how the restriction affects the value of the property. (Attach additional materials as necessary)

See Exhibit B

CLAIM PREFERENCE

Provide a statement of whether claimant prefers compensation or a waiver, suspension, or modification of the regulation.

See Letter

Include a statement describing the extent to which the regulation would need to be waived, suspended, or modified to avoid the need for compensation. A description of the proposed use must be provided. (Attach additional materials as necessary)

See Letter

AMOUNT OF COMPENSATION

The amount claimed as compensation:

See Letter and Exhibit C

Provide documentation supporting the amount. Said documentation shall include a market analysis, appraisal, or other documentation at least equivalent to a market analysis.

Claimants' Authorized Representative(s) if applicable.

SIGNATURES of each owner of the subject property.

DATED this 8<sup>th</sup> day of November, 2006

Tigard Grange No. 148

by Philip R. Young, Secretary

Owner's Signature

Owner's Signature

Owner's Signature





**CITY OF TIGARD**  
13125 SW Hall Blvd.  
Tigard, OR 97223 503.639.4171

11/16/2006  
11:08:36AM

**Receipt #: 2720060000000005483**

**Date: 11/16/2006**

**Line Items:**

Case No	Tran Code	Description	Revenue Account No	Amount Paid
M372006-00002		[M37-CD] Measure 37 Deposit	100-0000-229080	1,000.00
Line Item Total:				\$1,000.00

**Payments:**

Method	Payer	User ID	Acct./Check No.	Approval No.	How Received	Amount Paid
Check	SKYLINE MEDIA LLC	ST	1213		In Person	1,000.00
Payment Total:						\$1,000.00



**SCHWABE, WILLIAMSON & WYATT**  
ATTORNEYS AT LAW

Pacwest Center, 1211 SW 5th Ave., Suite 1900, Portland, OR 97204 | Phone 503-222-9981 | Fax 503-796-2900 | www.schwabe.com

**JILL S. GELINEAU**

Admitted in Oregon and Washington

Direct Line: (503) 796-2887

E-Mail: jgelineau@schwabe.com

**RECEIVED**  
NOV 16 2006  
CITY OF TIGARD  
PLANNING/ENGINEERING

November 16, 2006

**BY HAND DELIVERY**

City of Tigard  
13125 SW Hall Blvd.  
Tigard, OR 97223

Re: Measure 37 Claim for Tigard Grange Property

Dear City of Tigard:

This office represents Tigard Grange, and is submitting this written demand for just compensation on its behalf pursuant to Measure 37.

Tigard Grange acquired tax lot 600 in Section 3DD of Township 2 South, Range 1 West on July 22, 1876. Tigard Grange has had continuous ownership of the property since its initial acquisition. A complete chain of title report is enclosed as Exhibit A.

Tigard Grange intends to lease space on its property for the purpose of placing an outdoor advertising sign. Currently, Chapters 18.780.070 and 18.780.085 of the Tigard Municipal Code restrict the development from occurring in the form intended by Tigard Grange.

We have identified a number of other City of Tigard regulations currently in effect which were enacted subsequent to acquisition of the property by Tigard Grange, and which restrict the use and reduce the value of the property. These specific land use regulations are listed in Exhibit B to this letter. These land use regulations, and perhaps others, have been enforced against this property. Most recently, on October 5, 2006, City of Tigard Code Enforcement Officer Christine Darnell informed Keith Benjamin of this office that placement of a billboard on the property is not allowed. The City of Tigard did not have land use regulations in effect at the time of acquisition by Tigard Grange that restricted the proposed development of this property.

Please note that the City of Tigard land use regulations listed in Exhibit B are those we have been able to identify at this time. It is not clear that every provision of these regulations would apply to the development proposed by Tigard Grange. We believe that the list in Exhibit B is an adequate characterization of the land use regulations causing the restriction of use and

reduction in value for the property, though it is possible that additional land use regulations apply. To the extent that the regulations listed in Exhibit B do not fully capture all land use regulations preventing Tigard Grange from enjoying all uses available at the time of acquisition, Tigard Grange reserves the right to seek relief from, or base its compensation claim on, additional applicable land use regulations.

Additionally, due to the novelty of Measure 37 and the claim of Tigard Grange thereunder, we reserve the right to amend or supplement this claim as necessary to satisfy the construction and application of Measure 37. Our position is that any land use regulation (as defined in Measure 37) that prohibits or impairs a property owner's ability to use or dispose of the property as set forth herein, would reduce the value of the property. Under Measure 37, the compensation claim must be paid or ultimately the owner shall be allowed to use or dispose of the property as permitted at the time of acquisition.

The compensation, as a result of the enforced restrictions, shall be equal to the reduction in the fair market value of the affected property interest resulting from enactment or enforcement of the land use regulations as of the date of written demand for compensation under Measure 37. We estimate the reduction in property value caused by the regulations that restrict the proposed development is \$178,813. Evidence demonstrating the net present value calculation is provided as Exhibit C. Tigard Grange respectfully demands that this compensation be paid to it pursuant to Measure 37.

In lieu of payment of just compensation, Tigard Grange would welcome removal of the land use regulations currently in effect, so long as the removal is transferable to subsequent owners and the subsequent owners would be authorized to develop the property as described above.

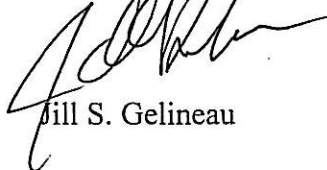
The claimants are aware that the City of Tigard adopted procedures regarding the implementation of Measure 37. This claim for just compensation is not made pursuant to such procedures, nor is it limited to regulations enacted prior to December 2, 2004. Section 6 of Measure 37 creates a cause of action for compensation if a land use regulation continues to apply to the subject property more than 180 days after the present owner of the property has made written demand for compensation. Under Section 7 of Measure 37, the procedures adopted by the City of Tigard cannot act as a prerequisite to filing a compensation claim in Circuit Court pursuant to Section 6 of Measure 37. The claimant has submitted the City of Tigard claim form for the convenience of the City, but this submission is not intended as a waiver of Tigard Grange's position on this issue.

We do hope that the City of Tigard will act promptly, fairly and responsibly to provide Tigard Grange the clear benefit they are entitled to under Measure 37.

City of Tigard  
November 16, 2006  
Page 3

Please let me hear from you at your earliest convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bill S. Gelineau", written over the typed name.

Bill S. Gelineau

JG:ams

Enclosures

cc: Tigard Grange  
Kirk Becker

City of Tigard  
November 16, 2006  
Page 4

bcc: Mr. Chris Artman  
Mr. Brad Parsons  
Mr. Terry Sandblast





Issued by

*First American Title Insurance Company National  
Commercial Services*

*200 SW Market Street, Suite 250, Portland, OR 97201*

*Title Officer: Jennifer L. Watson*

*Phone: (503)222-3651*

*FAX: (503)790-7856*



## ***First American Title Insurance Company***

*National Commercial Services*

200 SW Market Street, Suite 250, Portland, OR 97201  
(503)222-3651 - FAX (503)790-7856

LIABILITY: \$350.00

GUARANTEE NO.: NCS-252807-OR2

FEE: \$350.00

YOUR REF.:

## **Recorded Document Guarantee**

ISSUED BY

### ***First American Title Insurance Company of Oregon***

An assumed business of Title Insurance Company of Oregon

Title Insurance Company of Oregon, dba First American Title Insurance Company of Oregon, herein called the Company, subject to the terms and provisions of the application for this Guarantee, the Liability Exclusions and Limitations set forth below and in Schedule A and the conditions contained herein

#### ***GUARANTEES***

Tigard Grange No. 148

herein called the Assured, against loss (except attorney's fees or the cost of defense) not exceeding the liability amount stated above which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

No guarantee is given nor liability assumed with respect to the identity of any party named or referred to in Schedule A or with respect to the validity, legal effect or priority of any matter shown therein.

The Company's liability hereunder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurance herein set forth, but in no event shall the Company's liability exceed the liability amount set forth above.

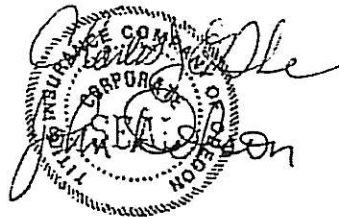
In order for the Guarantee to be valid and effective, the application and agreement for the issuance of a Recorded Document Guarantee executed by the Assured and a copy of each document listed and referred to in Schedule A must be attached hereto. All terms and conditions of the application are hereby incorporated by reference as if fully set forth in this Guarantee.

Dated: September 06, 2006 at 7:30 a.m.

### ***Title Insurance Company of Oregon***

dba FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON

By:



President

Attest:

Secretary



## RECORDED DOCUMENT GUARANTEE

### SCHEDULE A

The assurances referred to on the face page are:

That according to the Company's title plant records and those records maintained by the County Recorder known as the Grantee/Grantor indices subsequent to August 23, 2006, relative to the following described real property (but without examination of those company title plants maintained and indexed by name), there are no Deeds, Contracts, Assignment of Contracts, Leases or Subleases (hereinafter Documents) describing said real property or any portion thereof, other than those listed below, copies of which are attached hereto and made a part hereof.

A. The following Documents or matters disclosed by Documents recorded in the Public Records are specifically excluded from the coverage of this Guarantee, and the Company assumes no liability for loss or damage by reason of the following:

1. Unpatented Mining Claims, reservations or exceptions in patents or in acts authorizing the issuance thereof.
2. Water rights, claims or title to water.
3. Tax Deeds to the State of Oregon .
4. Instruments, proceedings or other matters which do not specifically describe said land.
5. Documents pertaining to mineral estates.

B. DESCRIPTION:

COMMENCING AT A STAKE ON SECTION LINE 5.81 CHAINS NORTH OF THE SE CORNER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN; THENCE WEST 4.42 CHAINS TO A STAKE MARKED C.S. COR.; THENCE NORTH 33° EAST , 8 CHAINS AND 12 LINKS WITH CENTER OF LAYAYETTE AND POLLAND ROAD; THENCE SOUTH ON SECTION LINE 6 CHAINS AND 80 LINKS THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONTAINED WITHIN PACIFIC HIGHWAY STATE HIGHWAY 99W.

FURTHER EXCEPTING THEREFROM THAT PORTION CONVEYED TO CHARITY LODGE NO. 75 IN DEED RECORDED MAY 2, 1934 IN BOOK 153, PAGE 430.

C. Listed Documents:

Document: Deed  
Recording Date: July 22, 1876  
Recording No: Book "L", Page 597  
Grantor: M.A. Tigard and W.M. Tigard  
Grantee: Butte Grange No. 148

## GUARANTEE CONDITIONS

### 1. DEFINITION OF TERMS

The following terms when used in this Guarantee mean

- (a) "Land": the land described, specifically or by reference, in this Guarantee.
  - (b) "Public Records": those land records designated by state statutes for the purpose of imparting constructive notice of matters relating to said land.
  - (c) "Date": the effective date of this Guarantee.
  - (d) "The Assured": the party or parties named as the Assured in this Guarantee, or in a supplemental writing executed by the Company.
  - (e) "Mortgage": mortgage, deed of trust, trust deed, or other security instrument.
  - (f) "Lease": any lease or sublease of any estate in the land.
  - (g) "Assignment": the transfer of the beneficial ownership of any mortgage or lease.
  - (h) "Documents": any Deed, Mortgage, Lease or Assignment.
- Company shall reimburse the Assured for any expense so incurred.

### 2. NOTICE OF LOSS - LIMITATION OF ACTION

A statement in writing of any loss or damage for which it is claimed the Company is liable under this Guarantee shall be furnished to the Company within sixty (60) days after such loss or damage shall have been determined.

### 3. PAYMENT OF LOSS- LIMITATION OF LIABILITY

- (a) The liability of the Company under this guarantee shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurances herein set forth, but in no event shall such liability exceed the amount of the liability stated in this Guarantee.
- (b) All payments under this Guarantee shall reduce the amount of the liability hereunder pro tanto.
- (c) When liability has been fixed in accordance with the conditions of this Guarantee, the loss shall be payable within thirty (30) days thereafter.

### 4. ARBITRATION.

Unless prohibited by applicable law, either the Company or the Insured may demand arbitration pursuant to the Title Insurance Arbitration Rules of

the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the insured arising out of or relating to this policy, any service of the Company in connection with its issuance or the breach of a policy provision or other obligation. Arbitration pursuant to this policy and under the Rules in effect on the date the demand for arbitration is made or, at the option of the insured, the Rules in effect at Date of Policy shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permit a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The laws of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request.

### 5. GUARANTEE ENTIRE CONTRACT

No provision or condition of this Guarantee can be waived or changed except by writing endorsed or attached hereto signed by the President, a Vice President, the Secretary, and Assistant Secretary or other validating officer of the Company.

6. If any provision or any part of a provision of this Agreement is held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the legality, validity or enforceability of any other provision of this Guarantee.

7. This Guarantee is issued only for the benefit of the named Assured and does not provide any other rights or remedies upon any other person or entity.

### 8. NOTICES

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at its main office at **222 SW Columbia St, Ste 400, Portland, Oregon 97201-5730.**

N. Sigard chux

Co

4044  
Route Grange

**This Indenture**, made the twentieth day of July in the year of our Lord 1896, Between  
W. C. Sigard and N. H. Sigard his true lawfull parties of the first part, & W. C. Sigard the  
148 P. of H. the parties of the second part, It is remembered, that the said parties of the first part  
for and in consideration of the sum of one Dollar coin of the United States of America  
to us in hand paid by the party of the second part, the receipt whereof is hereby  
acknowledged, have granted, bargained, sold, aliened, remised, released, conveyed and confirmed  
and by these presents do grant bargain, sell, alien, remise, release, convey and confirm  
the said parties of the second part and to their assigns forever All the following described  
parcel of real estate, to wit: Commencing at a stake on Section No. 381, Town North of the  
S. E. corner of Section three, T. 2 S. R. 14 W. West 44th clause, stake marked C. C. Co. Marker  
North S. E. East, S. clause and 12 links with center of R. R. track and Pollard Road thence North  
and section three, 6 chains and 80 links to beginning corner containing 1 1/2 acres and the  
together with all well negotiable the lammeth, hereditament and appurtenances thereto relating  
or in any way appertaining, and the remains and remains, remainder and remainder, with  
issues and profits thereof, and also all the state, right, title, interest, to the above described  
property, premises, claims and demand whatsoever, as well in law as in equity of the said  
parties of the first part, of, in and to the said premises, real, very good and parcel then  
of with the appurtenances, To Have & to Hold, all and singular the said premises together with  
the appurtenances unto the said parties of the second part, and their assigns forever And this said part



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4:30

2226 Tigard Grange No. 148 P. of H. of Oregon to Charity Lodge No. 75 I.O.O.F. (dead)

KNOW ALL MEN BY THESE PRESENTS, That George W. Arnold, O.H. Butler and C. Christensen, Trustees of Tigard Grange No. 148 P. of H. of Oregon, do hereby certify, in consideration of the sum of fifty dollars, to them paid by Charity Lodge No. 75 I.O.O.F. of Oregon, at Tigard, State of Oregon, have bargained and sold, and by these presents, do grant, bargain, sell and convey unto said Charity Lodge No. 75 I.O.O.F. of Oregon, their successors and assigns all the following bounded and described real property, situated in the County of Washington and State of Oregon:

Beginning at a point on the east boundary of section 3, of T2N., R1W. of Willamette Meridian, in Washington County, Oregon, 819.54 ft. north of the southeast corner of said section, and running thence north 186.47 feet to a iron pipe set at the intersection of the eastern boundary of the "Taylor Ferry" road, thence with said eastern boundary 2. 23' 04" N. 120.00 ft., and thence S. 23' 25" E. 122.00 ft. to the place of beginning; containing 0.175 of an acre.

The above described tract includes the land intended to be conveyed by deed recorded at page 24 of Book 123 Record of Deeds for said county, in which the beginning being run is incorrectly described.

Together with all and singular the tenements, hereditaments and appurtenances therein belonging or in anywise appertaining, and also all their estate, right, title and interest in and to the same.

TO HAVE AND TO HOLD, the above described and granted premises unto the said Charity Lodge No. 75 I.O.O.F. of Oregon, their successors and assigns forever. And George W. Arnold, O.H. Butler and C. Christensen, Trustees of Tigard Grange No. 148 P. of H. of Oregon, granters above named do covenant to and with Charity Lodge No. 75 I.O.O.F. of Oregon the above named grantees their successors and assigns that they are lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all incumbrances and that they will and their successors, executors and administrators shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever. IN WITNESS WHEREOF, the granters above named, have hereunto set our hands and seals this 24th day of April, 1934.

Executed in the presence of  
George W. Arnold  
O.H. Butler  
C. Christensen  
Trustees of Tigard Grange No. 148  
County of Washington, State of Oregon.  
That on this 24th day of April A.D. 1934, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named George W. Arnold, O.H. Butler and C. Christensen, Trustees of Tigard Grange No. 148 P. of H. of Oregon, who are known to me to be the identical persons described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily. IN WITNESS WHEREOF, I have hereunto set my hand and seal of Notarial seal the day and year last above written.

Filed for record May 2, 1934 at 1:10 P.M.  
J.W. Vincent, Notary Public for Oregon  
My commission expires Dec 23, 1934

KNOW ALL MEN BY THESE PRESENTS, That Vernon Freeman and Lella Freeman, his wife, hereinafter designated granters, of the County of Washington, State of Oregon, in consideration of the sum of fifty dollars and other valuable consideration to them in hand paid by Dutch Stansell, hereinafter designated Grantee of the County of Washington, State of Oregon, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, and convey unto said Dutch Stansell, his heirs and assigns, all of the following bounded and described property, situate in the County of Washington, State of Oregon, to-wit: An undivided one-half interest in:

Beginning at a point on the South side line of Allen Street and at the northeast corner of Lot 124 (12) in Allen Avenue Addition to Beaverton-Bondville Acreage, according to the duly recorded plat thereof and running thence easterly along the southerly line of said

Allen Street, one hundred one and twelve one hundredths feet (101.12) to the point of beginning; thence running easterly along the southerly line of said Allen Street fifty and fifty-six one hundredths feet (50.56) to a point; thence south one hundred thirty-nine and one tenth feet (139.1) and parallel with the west line of a tract sold on contract to Mrs. Sue Bridges, to the Northerly line of the Tualatin Valley Highway; thence easterly along the southerly line of said Highway to a point south of the place of beginning, and the southeast corner of the Mrs. Sue Bridges tract; thence north on the east line of said tract to the place of beginning; Except therefrom that certain tract being a portion of a forty foot strip of land lying on the northerly side of and immediately adjacent to the center line of the Tualatin Valley Highway as valuated over and across said Lot 12, the said parcel of land being more particularly described as follows:

Beginning at the southeast corner of granters property, which point is marked by an iron pipe set one hundred nine and fourteen one hundredths feet (109.14) south and one hundred and six one hundredths feet (106.06) west of the northeast corner of said Lot 12, and which point is 25.05 feet due North of Engineer's valuated center line station 124-26.0; thence northerly along the northerly line of the present 60 feet highway right of way line on a 741.3 foot radius curve left (the long chord of which bears North 88° 41' East a distance of 83.35 feet) to the southeast corner of granters property, which point is marked by an iron pipe; thence due north along the west line of granters property a distance of 12.53 feet to an intersection with the northerly line of the said 40 foot strip of land; thence southeasterly parallel to and always at right angles northerly from the said valuated center line on a 915 foot radius curve right a distance of 514 feet to an intersection with the east line of granters property, which point is 15.88 feet due north of the point of beginning; thence due south along the east line of granters property a distance of 11.00 feet to the point of beginning, containing approximately .07 acre.

TO HAVE AND TO HOLD the above described and granted premises unto the said granters, her heirs and assigns forever. And the granters above named do covenant to and with the above named grantees, her heirs and assigns that they are the owners in fee simple of the above granted premises, that they are free from all incumbrances except a mortgage to Guardian Building and Loan Association; and the granters will and their heirs, executors and administrators shall warrant and forever defend the above granted premises and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever. IN WITNESS WHEREOF, the granters above named, have hereunto set our hands and seals this 23 day of February, 1934.

Signed, Sealed and Delivered in the presence of us as witnesses:  
Vernon Freeman  
Lella Freeman  
Dutch Stansell  
Notary Public for Oregon  
My commission expires Feb 3, 1934

KNOW ALL MEN BY THESE PRESENTS, That on this 23rd day of February, 1934, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Vernon Freeman and Lella Freeman, his wife, who are known to me to be the identical persons described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily. IN WITNESS WHEREOF, I have hereunto set my hand and seal of Notarial seal the day and year last above written.

Filed for record May 3, 1934 at 8:00 A.M.  
J.W. Vincent, Notary Public for Oregon  
My commission expires Feb 3, 1934



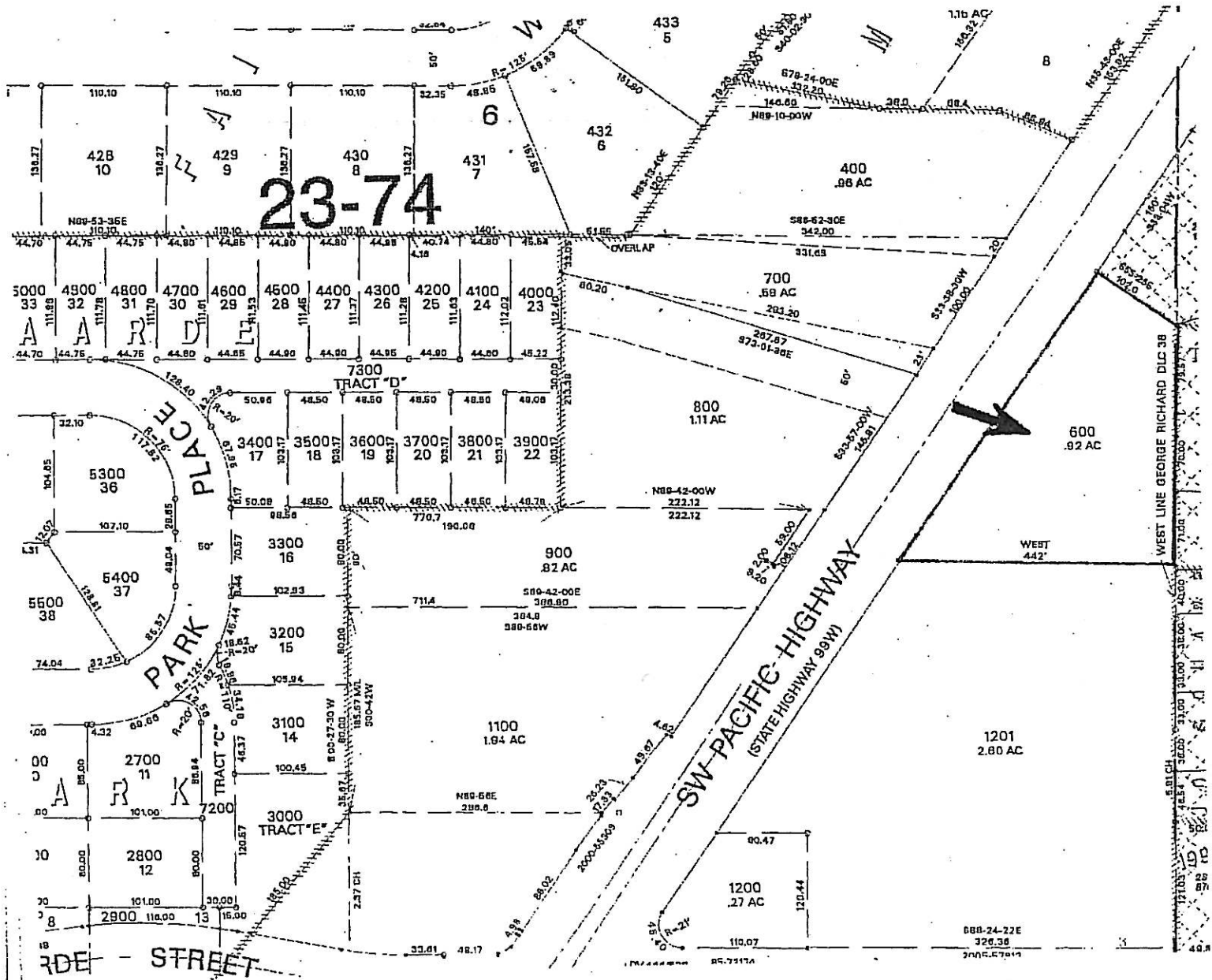
# First Amer. Title Insurance Company, Oregon

An assumed business name of TITLE INSURANCE COMPANY OF OREGON

200 SW Market St., Suite 250 Portland, OR 97201

Phone: (503) 222-3651

This map is provided as a convenience in locating property  
First American Title Insurance Company assumes no liability for any variations as may be disclosed by an actual survey





## **EXHIBIT B TO TIGARD GRANGE MEASURE 37 CLAIM**

### **CITY OF TIGARD**

#### **Tigard Community Development Code**

<b>Chapter 18.780</b>	<b>Signs</b>
18.780.010	Purpose
18.780.020	Permits Required
18.780.030	Permit Approval Process
18.780.040	Expiration of Approval: Standards for Extension of Time
18.780.050	Inspections
18.780.070	Certain Signs Prohibited
18.780.085	Sign Measurement
18.780.090	Special Condition Signs
18.780.110	Nonconforming Signs
18.780.120	Sign Removal Provisions: Nonconforming and Abandoned Signs
18.780.130	Zoning District Regulations
18.780.140	Sign Code Adjustments

<b>Chapter 18.520</b>	<b>Commercial Zoning Districts</b>
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18.520.010	Purpose
18.520.020	List of Zoning Districts
18.520.030	Uses
18.520.040	Development Standards

#### **Tigard Comprehensive Plan**





Equitas Capital Management, Inc.  
805 SW Broadway, Suite 550 Portland, OR 97203  
(503) 419-3500 • (503) 419-3530 fax • [www.equitascapital.com](http://www.equitascapital.com)

August 15, 2005

Mr. Stan Smith  
Capital Financial Group  
5100 SW Macadam Ave., Suite 210  
Portland, OR 97239

RE: Valuation for Lease on Billboard Site

Dear Mr. Smith:

At your request, we have been giving consideration to quantifying the economic value to the rights of a potential property lease for a permanent easement on a billboard site. Accordingly, we have done some market research and financial analysis related to the present value of a potential lease stream, which in our opinion best quantifies the economic value of the rights to such a lease.

General assumptions are that the standard lease in such a situation is established for a 20 year initial term, with a base rate and annual escalation clause of 2.5% per year. The lease is generally directly with a national billboard company, who are known to be financially secure entities and thereby represent very low credit risk on the lease stream.

There are many comparable transactions in the market that suggest that national build board companies are paying a 7x multiple of the average annual lease revenue, adjusted for the annual escalation allowance (the "average" lease stream adjusted for the escalation over the life of the lease is 27.7% greater than the base lease rate), as a market valuation for obtaining the rights as the lessee on an underlying property lease for a billboard site. Utilizing this approach at the origination of the lease equates to applying a discount rate of 11.803% on the gross 20 year lease stream to arrive at a Net Present Value of the stream. This discount rate is very much in line with market expectations for transaction of this nature and risk.

For example, if the base lease rate was \$20,000 annually, the average annual lease revenue would be \$20,545, and the gross lease revenue over the 20 year initial term of the lease would be \$510,893. The net present value of this lease would be \$178,813 based on: (a) 7x the average annual lease revenue of \$20,545; or, (b) Discounting the gross lease revenue of \$510,893 by an 11.803% discount factor.

I hope this letter provides you the information that you require. If you have any questions, or need any additional information, please don't hesitate to contact me.

Sincerely,

Brian A. Oliver  
Senior Managing Director

Exhibit C

PORTLAND

TUE/SEP 19 2006 14:21/ST. 14:20/NO. 6980109394 P 1

FROM MAGNACORP INS.

Agenda Item #

Meeting Date

25  
05/15/2007

## COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Tigard Municipal Court Annual Report

Prepared By: Judge O'Brien & N. Robinson Dept Head Approval: ECM City Mgr Approval: CL

### ISSUE BEFORE THE COUNCIL

Judge Michael O'Brien and Nadine Robinson, Administrative Services Manager, will provide an update on the status of the Municipal Court in 2006. The report and presentation will address the court's current programs and caseload.

### STAFF RECOMMENDATION

No action required.

### KEY FACTS AND INFORMATION SUMMARY

- The court's total caseload increased by 6% over 2005. The major caseload factors influencing caseload were an increase in speeding and traffic control device citations and a significant decrease in safety belt violations and code enforcement citations.
- The majority of Youth Court cases in 2006 were theft related and were issued from Washington Square. Approximately half of the youth that were adjudicated through Youth Court are Tigard residents.
- During CY 2006 the court imposed fines, penalties, costs and assessments totaling \$992,170, an increase of 24% over 2005.
- The court continues to give high priority to offering useful and accessible information to all parties and witnesses. Brochures, forms and the court website are reviewed and updated regularly.
- The court continues to offer compliance and traffic school programs on a limited basis. The primary goal of these programs is to enhance public safety in Tigard through education and by increasing the number of licensed and insured drivers on our streets.

### OTHER ALTERNATIVES CONSIDERED

N/A

### CITY COUNCIL GOALS

N/A

### ATTACHMENT LIST

Court Report Memorandum  
PowerPoint Presentation

### FISCAL NOTES

Funds are budgeted for the current programs.



# MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Michael J. O'Brien, Presiding Judge  
Nadine Robinson, Court Manager

RE: Annual Report from Tigard Municipal Court

DATE: May 2, 2007

Thank you for the opportunity to meet with Council and the City Manager for our eighth annual review of Municipal Court operations. The highlights of the 2006 calendar year are presented below. As always, we would be happy to answer any questions you may have.

**1. Caseload for 2006:** As shown in the table below, the total number of cases, including traffic, parking, juvenile and civil infractions, increased by about 6% during CY 2006. In 2005 the caseload decreased substantially however, the numbers are increasing again which reflects more active traffic enforcement and the population growth in the Tigard and the Portland metropolitan area. Thanks in part to its three major highways, Tigard has one of the busiest municipal courts in Oregon.

Total Annual Court Caseload	
2006	6,372
2005	6,037
2004	7,397
2003	8,250
2002	7,351

While the caseload for the Tigard Youth Court was slightly lower than last year, the number of civil infractions under the Tigard Municipal Code declined significantly compared to recent years:

Caseload Fluctuations 2005 - 2006		
CATEGORY	2005	2006
Youth Court	97	80
Code Enforcement	210	58
Traffic and parking	5,730	6,220

In addition, the court adjudicated 14 adult misdemeanors, primarily cases involving public consumption of alcohol, public indecency and unlawfully disposing of burning materials.

As in the past, the causes of such fluctuations in the court's caseload can be very complex.

Variables may include such factors as enforcement priorities, personnel levels and turnover, funding levels, and the training and vacation schedules of motor officers assigned to traffic enforcement.

**2. Traffic Program:** The two most common types of traffic violations, speeding and traffic control devices, increased substantially over the levels recorded in 2005. Other common types of violations also increased, with the sole exception of Safety belts.

Changes In Citations For Selected Violations (2005- 2006)		
Violation	2005	2006
Speeding	1,341	1,637
Traffic control devices	849	1,116
No safety belt	605	376

**3. Youth Court:** Since the Tigard Youth Court program was established in 2002, the court has adjudicated approximately 450 cases (through April, 2007). This unique program was developed for first-time offenders in collaboration with the Tigard Peer Court, Tigard Police Department, Washington County Juvenile Department and several other agencies. Each case is screened for eligibility by the Peer Court Coordinator and Juvenile Department before it is accepted by Youth Court.

Last year the court received 80 delinquency referrals (misdemeanors and status offenses), a decline of 17 cases compared to 2006. Offenders were required to complete 1,017 hours of community service last year. The court has ordered a total of 6,826 hours of community service since 2002.

In most delinquency cases, the court imposes various conditions during a specified probationary period. These usually include community service, a counseling program, letters of apology and, as appropriate, restitution to victims.

Probation violations and recidivism continue to be very rare, with about 95% of juveniles successfully completing probation. Nearly all juveniles appear in court with one or more parents.

**4. Compliance and Traffic School Programs:** These programs continue on a limited scale for qualified defendants. In certain cases involving insurance and drivers' licenses, defendants with good driving records may be allowed a specified time to come into compliance with Oregon law. Upon receiving proof of compliance, the court may reduce the fine initially imposed at arraignment. The primary goal of the Compliance Program is to enhance public safety in Tigard by increasing the number of licensed and insured drivers on our streets. Juvenile first offenders and qualified seniors over the age of 65 may be given the opportunity to participate in a traffic diversion program that generally requires attendance at a traffic school (such as Trauma Nurses Talk Tough) and a probationary period during which they must receive no new citations.

**5. Public Information and Education:** The court gives high priority to offering useful and accessible information to all parties and witnesses through the entire process of adjudication. Providing accurate information offers two benefits: it leads to more efficient disposition of cases and allows parties to make informed choices. It also promotes transparency in court operations and thereby enhances public confidence in our system of justice. Court sessions also provide a unique opportunity to educate the public about traffic laws and safety.

**6. Continuing Education and Training:** The judge attended the Oregon Department of

Transportation's judicial education program last March. In April, he presented a three-hour program on "Maintaining the Integrity of Court Judgments" at the annual conference of the Oregon Association for Court Administration (OACA) in Grants Pass. The court manager attended the annual conferences of OACA and the National Association for Court Management.

**7. Revenues:** During CY 2006 the court imposed fines, penalties, costs and assessments totaling \$992,170, an increase of 24% over 2005. This increase in revenues substantially exceeded the 6% rise in caseload. In part, the increase is due to elevated caseloads, higher base fines and enhanced fines for school-zone violations resulting from legislation that went into effect in July. Not surprisingly, penalties imposed on civil infractions declined with that caseload to about \$22,000 in 2006.

By state statute, about 23% (\$229,894) of assessed penalties are allocated to the Oregon Department of Revenue, Oregon Judicial Department and Washington County for unitary assessments, medical liability accounts, county assessments and court security fees. For every \$100 imposed in penalties for traffic violations, only \$48 represents an actual fine; the remaining \$52 is applied to statutory costs, assessments and fees.

The court budget for FY 2006-07 is \$234,570.

#### **8. Current Projects:**

- **Criminal Court Study:** In response to an initiative by the Tigard Chief of Police and City Prosecutor, the court has undertaken a study of the feasibility of establishing a criminal court for adult misdemeanors. Currently the court adjudicates about a hundred juvenile delinquency cases per year and a few dozen adult misdemeanors arising under the Tigard Municipal Code. The study will address a number of issues, including staffing requirements, administrative impacts, costs, advantages and disadvantages of creating a criminal court for adult misdemeanors. We anticipate that the court's portion of the study will be completed by July 1, 2007.
- **Tracking new legislation:** A number of bills have been introduced in the current legislative session that could have impacts on court operations and substantive law. These include revisions to the criminal jurisdiction of municipal courts and major changes in pedestrian safety laws. As in the past, we expect that our current base fine schedule (see chart below) will need to be revised in 2007 to conform to legislative changes.

CLASSES OF VIOLATIONS	BASE FINE
<b>Class A</b> (Driving while susp., careless driving with acc., Fail to stop for school bus, Speed racing)	450.00
<b>Class B</b> (Traffic control devices, following too closely, fail to signal turn, passing and pedestrian violations, no insurance, no license)	250.00
<b>Class C</b> (Speeding 11-20 mph over, U-turns)	150.00
<b>Class D</b> (Seat belts, expired registration, equipment violations)	100.00

During recent sessions, legislators have substantially altered statutory assessments and base fine schedules. Judges can now reduce base fines by no more than 25% for drivers with good records, compared to 50% reductions prior to 2004.

- **Technology enhancements:** The court will be taking advantage of the technology upgrades in Town Hall to better utilize patrol-car videos and other forms of electronic evidence presented during trials.
- **Electronic citations:** The court will work closely with Tigard Police Department in implementing the electronic citation process as funding becomes available. Unfortunately, Oregon DMV will be unable to process electronic submissions to its driver database for the foreseeable future.
- **Parental responsibility ordinances:** The League of Oregon Cities has asked whether the City of Tigard is interested in exploring a parental responsibility ordinance and program. Grants may become available for such a program, which would be modeled on existing ordinances in Silverton, Canby and four other cities that have municipal juvenile courts and peer courts. The court will work with City staff and the Police Chief to evaluate a parental responsibility program.
- **Judicial Weblog:** At the spring judicial conference, a number of judges expressed interest in creating a weblog or website for informally disseminating useful information to courts around the state between conferences. The judge will explore whether there is sufficient interest for the Tigard Municipal Court to develop and maintain such a site.
- **Pro-tem recruitment:** The court utilizes the services of a pro-tem judge on the rare occasions when our presiding judge is unavailable. For many years three pro-tem judges have been on our list, but two of them have recently moved on to other opportunities. We plan to replace them during the next fiscal year.

Thank you for giving us the opportunity to present our eighth Annual Report to the Council.





## 2007 Annual Report to Council

Michael J. O'Brien, Presiding Judge  
Nadine Robinson, Manager  
Tigard Municipal Court

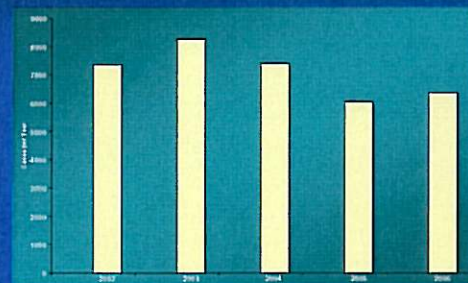
## Municipal Court Programs

1. Traffic
2. Youth Court
3. Civil Infractions

## 2006 Caseload: Highlights

- 6,372 offenses adjudicated.
- Total caseload increased by about 6% compared to 2005.
- Primary reason for change: increase in citations for speeding and traffic control devices.
- Juvenile caseload declined slightly.
- Civil infractions declined significantly.

## Caseload 2002-06



## Variables Affecting Caseload

- Enforcement priorities
- Personnel levels and turnover in the traffic unit
- Funding levels
- Training and vacation schedules for traffic unit officers

## Traffic Program

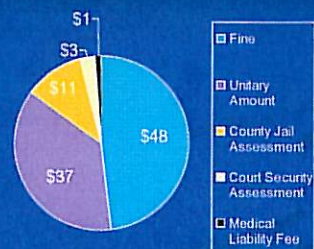
- 6,220 traffic violations adjudicated during 2006, an increase of about 500 over 2005
- Speeding citations: 1,637 violations, an increase of about 300 over 2005
- Traffic control devices: 1,116 violations compared to 849 in 2005
- Safety belt: 376 violations, about 229 less than 2005



### Tigard Base Fine Schedule for Traffic Offenses

Base Fines (2006-07)	
Class A	450.00
Class B	250.00
Class C	150.00
Class D	100.00

### Allocation of \$100 Traffic Fine



### Sanctioning Factors

- Type of offense and applicable maximum or minimum fines. State law allows reduction of 25% below base fine in most traffic cases.
- Previous record.
- Aggravating or mitigating circumstances: defendant's explanation, lack of intent, extent of compliance, indigency, recommendation of City.
- Consideration of costs to community for law enforcement and adjudication.

### Driver Compliance Program

- For qualified insurance and license cases.
- Reduction in fines for those who comply within specified time.
- Defendants must submit proof of insurance and valid license.
- Fines for equipment violations can be reduced if defendant in compliance.
- Goal: promote public safety by increasing number of licensed and insured drivers on Tigard's streets.

### Driver Improvement Programs

- Juvenile first offenders.
- Seniors (over 65) with clean records.
- Safety belt violations: clean record required.
- Requirements may include: traffic school (like Trauma Nurses Talk Tough), no citations for a specified period up to one year.

### Tigard Youth Court

- 80 juvenile misdemeanors and status offenses filed in 2006, a decline of 17 compared to 2005
- About 450 delinquency cases filed since Youth Court established in 2002
- About 1/2 of cases involve Theft charges, primarily shoplifting.



### Tigard Youth Court

- More than 95% complete probation successfully.
- Nearly all juveniles appear with parents.
- About 99% enter guilty pleas after full misdemeanor arraignment.
- 1,017 hours of community service ordered in 2006
- 6,826 hours ordered since 2002

### Youth Court Goals

- Prompt and fair adjudication.
- Accountability for offenders.
- Protect the community by deterring repeat offenses.
- Restitution for victims and community.
- Active involvement of parents.
- Education about laws and legal system.

### Youth Court: Accountability

Clear and substantial consequences, including as appropriate:

- Bench probation with 100% compliance expected.
- Alternative community service.
- Counseling programs such as Theft 'Talk.
- Payment of fine or court diversion fee.
- Letters of apology to victims.
- Victim restitution, as appropriate.
- Jury service in Peer Court.
- Parenting classes.

### Civil Infractions

- 58 citations for Municipal Code violations in 2006, down from 210 cases in 2005.
- About 25% of complaints involved noxious vegetation.

### Noncomplying Defendants

Failure to appear, pay a fine or obey a court order may result in:

- Default judgment for the base fine amount.
- Suspension of defendant's right to drive.
- 25% collection charge.
- Referral to collection agency.
- Bench warrants for juvenile offenders.
- Double or quadruple civil penalties for repeat civil infractions as provided by Municipal Code.

### Court Budget

- Court imposed total of \$992,170 in fines, fees, costs and assessments during 2006.
- An increase of about 24% over 2005.
- Court budget: \$234,570 (FY 2006-2007)
- 23% of assessed penalties allocated to ODR and Washington County for statutory costs and assessments.

## Collections

Variables include:

- Payment agreements: frequency, terms and duration.
- Legislative changes in fine schedules
- Default judgments
- Response to license suspensions
- Extent of compliance in civil infractions
- Cases referred to collection agencies

## Other Activities

- New forms and brochures developed to assist public and provide useful information.
- OACA Conference – Presented program on “Protecting the Integrity of Court Judgments”
- Oregon Department of Transportation Judicial Education Program
- National Association for Court Management Annual Conference

## Current Projects

- Criminal Court Study
- Tracking New Legislation
- Technology Enhancements in Town Hall
- Parental Responsibility ordinance
- Judicial Weblog
- Electronic citations
- Pro-tem recruitment



**Tigard Municipal Court**

13125 S.W. Hall Blvd.  
Tigard, Oregon 97225

[www.tigard.org/city-hall/departments/municipal-court](http://www.tigard.org/city-hall/departments/municipal-court)



Agenda Item #  
Meeting Date

26  
May 15, 2007

## COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Burnham Street Project Design Update

Prepared By: A.P. Duenas Dept Head Okay TC City Mgr Okay CP

### ISSUE BEFORE THE COUNCIL

Briefing to Council on the design progress of the Burnham Street Project, and on an issue regarding the modern roundabout, which will require significant land acquisition and has not been favored by affected property owners.

### STAFF RECOMMENDATION

That Council provide direction on whether or not the roundabout should be retained so that the project design can be completed and rights-of-way acquisition can begin.

### KEY FACTS AND INFORMATION SUMMARY

The project design for Burnham Street Improvements is currently 60% completed. At the 50% design stage, an open house meeting was conducted to present the design to affected and interested property owners in the downtown area. Following the opportunity for public input, the design is now proceeding to the 95% design stage.

Council will be given a project overview, a summary of the various elements that will be integrated into the completed project, and a preview of what the street will look like at completion. Attached is a drawing that provides an overview of the entire street from Main Street to Hall Boulevard with a modern roundabout at its intersection with Ash Avenue. The segment from Main Street to Ash Avenue is 2-lane street section with green street storm drainage elements, 18-foot wide sidewalks, and parallel parking on both sides of the street. The segment from Ash Avenue to Hall Boulevard is a 3-lane section with parallel parking on both sides, medians were feasible, and 12-foot wide sidewalks.

An issue has emerged as the project design progressed from the conceptual to detailed design stage. The modern roundabout proposed for the Ash Avenue/Burnham Street intersection requires significant property acquisition and creates access issues to properties within its vicinity. The input from the affected property owners is that the roundabout should be eliminated and a traditional intersection constructed in its stead. The CCAC (City Center Advisory Commission) likewise recommends elimination of the roundabout. Attached are two drawings, one showing the modern roundabout and the other depicting a traditional 4-way intersection. Also attached is the recommendation of the CCAC regarding the proposed roundabout.

The pros and cons of the proposed roundabout versus a traditional 4-way intersection will be presented for Council discussion. Council direction will be requested on whether or not the roundabout should be retained as a feature for the street project.

The Ash Avenue extension to provide access from Burnham Street to the Commuter Rail parking lot is a separate but essential project that should be constructed in conjunction with the Burnham Street improvements. Council will

be given a progress update on the status of that project as well. This street extension should be completed in time for the Commuter Rail grand opening in the fall of 2008.

The schedule for completion of the Burnham Street project design calls for a progress submittal and another open house at the 95% design stage, followed by a 100% project design submittal in the fall of 2007. The land acquisition phase to acquire needed rights-of-way for the street widening will begin once the design elements are confirmed and the roundabout versus traditional intersection issue has been resolved. It is anticipated that the land acquisition phase will begin at the 75% to 80% design completion stage.

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#### **OTHER ALTERNATIVES CONSIDERED**

None

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#### **COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT**

The Burnham Street Improvement Project is a major catalyst project identified in the Tigard Downtown Improvement Plan and is a key element in the effort to meet the Council Goal of "Promote the community fabric in the downtown." The improvements to Burnham Street meet the Tigard Beyond tomorrow goals of "Improve Traffic Safety" and "Improve Traffic Flow."

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#### **ATTACHMENT LIST**

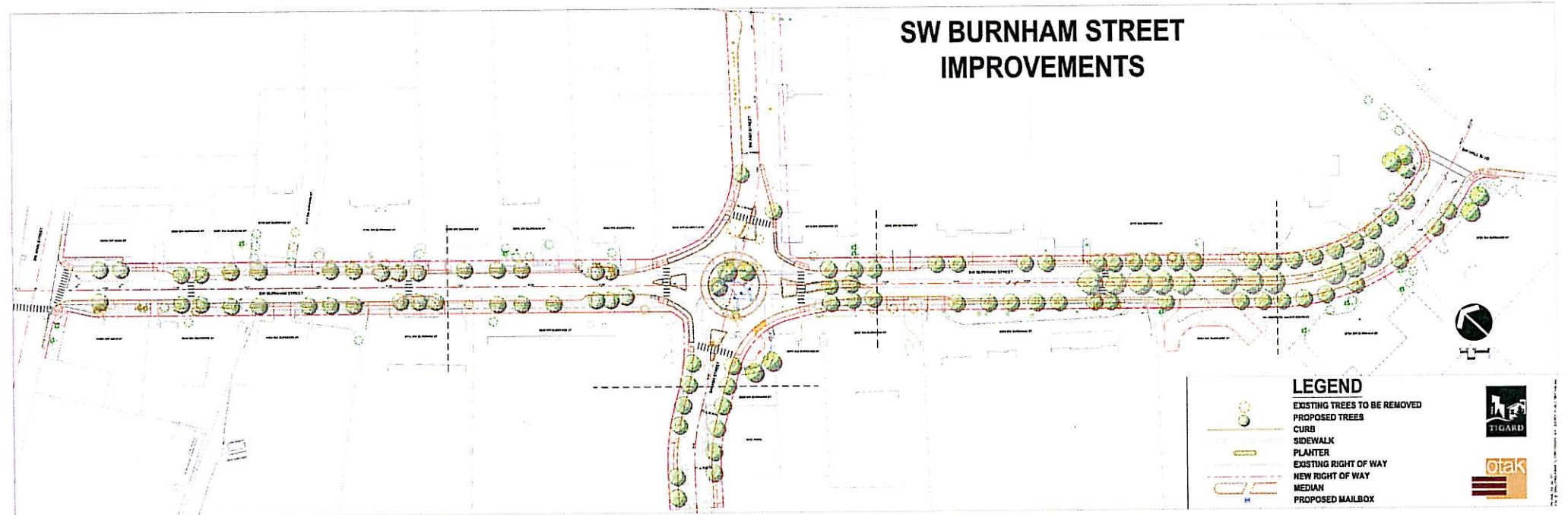
1. Burnham Street Plan Overview
2. Drawing showing the modern roundabout at the Ash Avenue/Burnham Street intersection
3. Drawing showing a traditional 4-way intersection at the Ash Avenue/Burnham Street intersection
4. CCAC Recommendation regarding the proposed roundabout.

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#### **FISCAL NOTES**

The amount of \$950,000 is in the Fiscal Year 2006-07 budget for the project design and right-of-way acquisition on the project. \$1,900,000 is proposed in the FY 2007-08 Community Investment Program to complete the design, acquire the rights-of-way, and begin construction on the project.

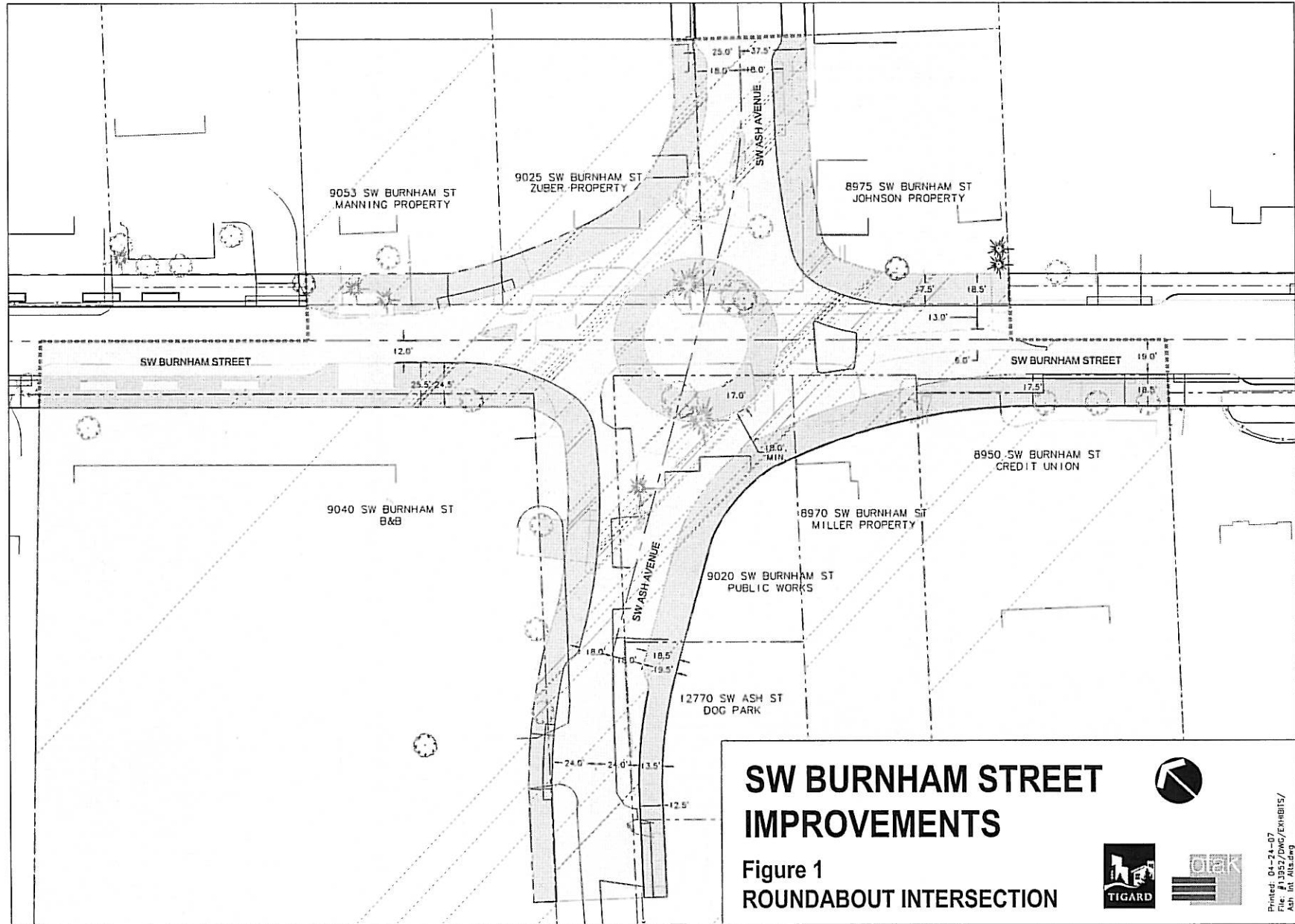
# SW BURNHAM STREET IMPROVEMENTS



## LEGEND

- EXISTING TREES TO BE REMOVED
- PROPOSED TREES
- CURB
- SIDEWALK
- PLANTER
- EXISTING RIGHT OF WAY
- NEW RIGHT OF WAY
- MEDIAN
- PROPOSED MAILBOX









**From:** Doreen Laughlin  
**To:** Roger Potthoff  
**Date:** 4/23/2007 9:24:33 AM  
**Subject:** Re: CCAC Motions/Resolutions of 4/11/07

Roger - Per your request, here are the motions made by the CCAC on April 11th (other than the one to approve the previous meeting's minutes) as well as the results of the votes:

#1 - Commissioner Craghead made the following motion:

"I motion that we direct staff to come up with a proposed amount of appropriate repayment for the parks capitol fund budget items, which are funded by SDC funds, and that we also direct staff to notify the Budget Committee that we are considering some form of repayment on these issues from Urban Renewal funds."

The vote was made with 5 for, 3 opposed, no abstentions. Those in opposition were Commissioners Potthoff, Barkley and Chairman Switzer.

#2 - Commissioner Barclay moved to recommend to the City Center Development Commission that the roundabout be removed from the plan for Burnham Street. There was a second.

There was a 7 - 1 vote. 7 approved - 1 opposed with Commissioner Potthoff in opposition. No abstentions.

#3 - Another motion was made by Commissioner Ellis Gaut as follows: "We move that the CCAC recommends to the Budget Committee as follows: Accept the 07/08 budget as presented, with two exceptions: 1. Recommend removing the roundabout from the Burnham Street construction drawings. 2. With respect to projects identified in the parks capital fund budget, we recommend repayment of parks SDC funds based upon a mechanism for repayment to be developed. This mechanism will repay parks SDC's based on the percent of downtown related expenditures versus total project costs." The motion was seconded and a vote was taken.

All in favor - one opposed. Opposing vote cast by Commissioner Potthoff.

Hope that helps!

Doreen Laughlin, Admin. Specialist II  
Long Range Planning  
City of Tigard, Oregon  
13125 SW Hall Boulevard  
Tigard, OR 97223  
(503) 639-4171, ext. 2714  
doreen@tigard-or.gov

>>> Roger Potthoff <rog.potthoff@verizon.net> 04/19 1:30 PM >>>  
Doreen,

Oh Scribe! Oh most noble Keeper of the Tablets, if the clicking of the ancient clock doth permit, then I humbly plea that thou may provide me with the text of those motions/resolutions voted upon at the CCAC meeting last.

(Also, I would like to know how my vote was recorded on those measures.)

Thank you!  
Roger Potthoff

DeAngelo's Catering, Inc.  
9037 S.W. Burnham Street  
Tigard, Oregon 97223  
■ Phone (503) 620-9020 ■ Fax (503) 620-3964  
steve@cateringbydeangelos.com  
www.cateringbydeangelos.com

May 15, 2007

To the members of City Council:

Upon learning about the proposed roundabout for Burnham street, I have brought to the attention of the design firm (OTAK) and the city staff the potential non allowance of a left turn from our drive way which presently serves 6 businesses. In good faith, I scheduled a meeting with Vannie Ngyuen to discuss this issue and how it directly effects our business practices. That meeting was cancelled due to the new plan not being ready for review as it was still on the "drawing board" after voicing my concerns. Upon re contacting Vannie to check on the "new" plan, I am informed I would be contacted AFTER council has made their decision. I am deeply concerned that the city has asked for public involvement, however now continues the process without sharing the plans with effected property owners & businesses as we now near the 60% design phase.

If I understand the purpose of roundabout, this assists in calming traffic as well as allowing traffic movement from 4 directions. With a dog park that is primarily used by people on foot on one side of Ash and a commuter rail parking lot's secondary entrance that facilitates only 100 + vehicles, I truly question if this is the best use of the public's money. The continuation of Ash street as proposed in the city traffic plan appears to be a long way off from securing any type of "at grade" crossing.

I ask council to proceed with extreme caution upon this particular decision.

The following signatures are effected Property owners, Business owners and employees who work and support the present downtown economy daily.

Respectively submitted

Steve DeAngelo

Becki Bosley

50 for BB

*Samir Sheikh*

*[Signature]*

*Robert D. Crawford*

*[Signature]*

*[Signature]*

*L.H. Waltons*

*[Signature]*

*[Signature]*

*[Signature]*





Existing Intersection at Park Street and Farnsworth Avenue

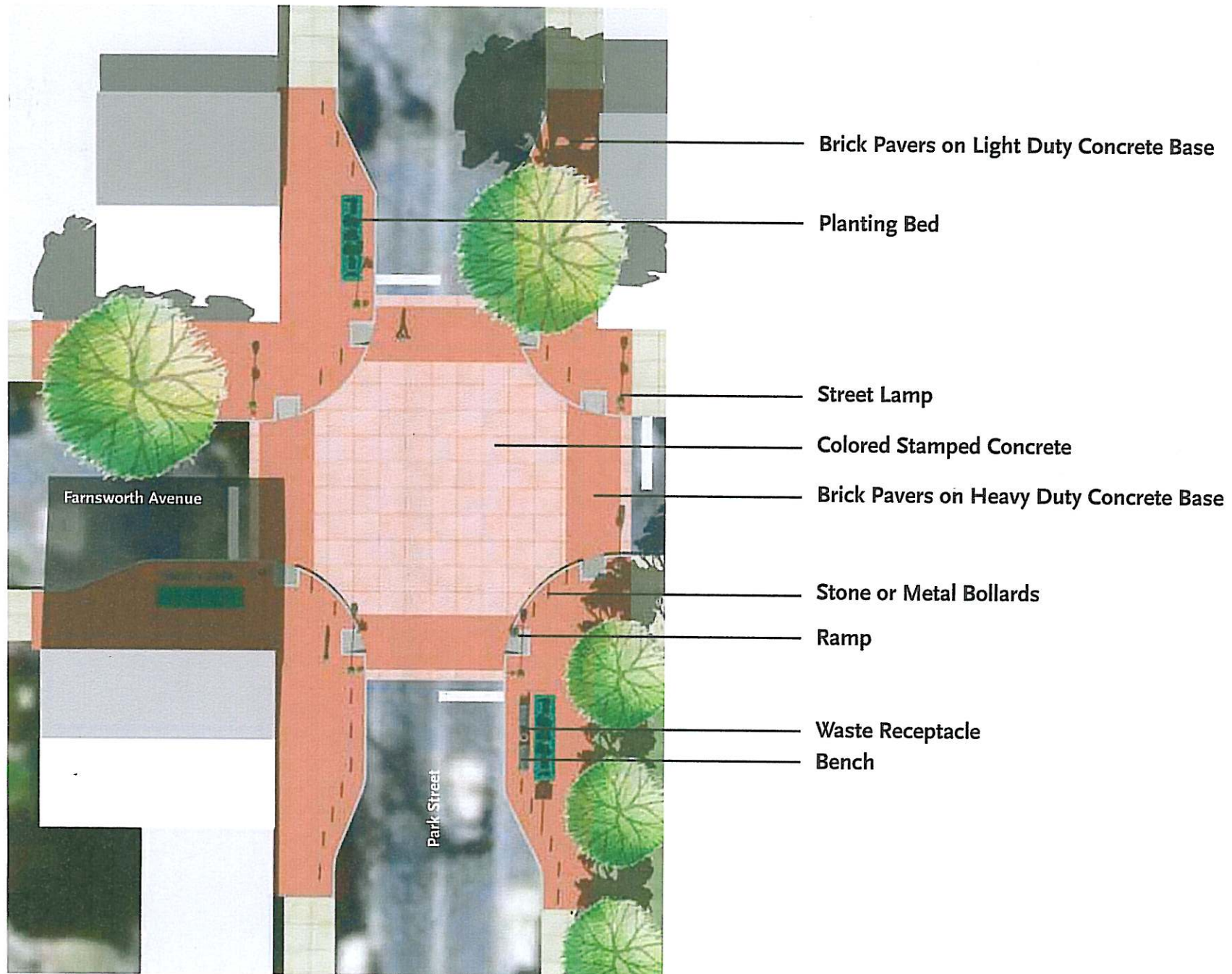
## Park Street and Farnsworth Avenue

- Curb Extensions on corners to shorten pedestrian crossings and slow traffic
- Natural brick pavers laid in concrete base to alleviate lifting on sidewalks and crossings.
- Colored textured concrete to give make intersection a "Place". Will also provide a visual clue to the arrival of the downtown.
- New signage directing traffic to various destinations such as the downtown, light rail or marina
- New site furnishings to match existing historic building materials; Metal historic bollard, colonial light fixture, brick pavers, cast iron benches and waste cans.
- Careful consideration and engineering should be done to save existing trees where applicable and to minimize cost.



Aerial view of proposed intersection improvements





Plan view of proposed intersection improvements

View of intersection improvements on Park St..  
looking towards the Riverline Station



Ground View of intersection improvements  
showing potential wayfinding sign



Agenda Item #  
Meeting Date

67  
May 15, 2007

**COUNCIL AGENDA ITEM SUMMARY**  
City Of Tigard, Oregon

Issue/Agenda Title Comprehensive Plan Update

Prepared By: Darren Wyss Dept Head Approval: TC City Mgr Approval: CR

**ISSUE BEFORE THE COUNCIL**

Receive Staff briefing on progress of Comprehensive Plan Update.

**STAFF RECOMMENDATION**

No action is required.

**KEY FACTS AND INFORMATION SUMMARY**

Phase III of the Comprehensive Plan Update has begun, which includes the very important component of public involvement. Two Open Houses were recently held that provided the community the opportunity to 1) learn about the project and process, 2) provide feedback on Draft Goals, and 3) sign-up to participate further on Policy Interest Teams. A recap and the results of the Open Houses are found in Attachment 1, as well as the general outline of remaining tasks and activities that are scheduled to complete the Comprehensive Plan Update.

**OTHER ALTERNATIVES CONSIDERED**

Not applicable

**CITY COUNCIL GOALS**

1. Comprehensive Plan
  - A. Updating the blueprint for the City
  - B. Public Input
4. Improve Council/Citizen communications

**ATTACHMENT LIST**

Attachment 1: Comprehensive Plan Update Memo dated 5/1/07

**FISCAL NOTES**

Not applicable





# MEMORANDUM

TO: Mayor Craig Dirkson and Members of City Council

FROM: Darren Wyss, Associate Planner

RE: Comprehensive Plan Update

DATE: May 1, 2007

On Wednesday, April 18<sup>th</sup> from 6:00-8:00pm and Saturday April 21<sup>st</sup> from 1:00-4:00pm, Comprehensive Plan Update Open Houses were held. These events kicked-off the public involvement component of the project. The two Open Houses provided the community the opportunity to 1) familiarize themselves with the project and public involvement process, 2) provide feedback on Draft Goals for the 10 Comprehensive Plan topics, and 3) sign-up to participate further on Policy Interest Teams.

A variety of outreach efforts to invite the community led to a successful turnout of approximately 100 people. Efforts to invite the community included:

- TVTV Slide
- Press Releases
- Times Article
- Invitations to Community Groups
- Invitations to Comp Plan Newslist
- School newsletters
- Community Connectors
- Boards and Commissions
- Posters at Library and City Hall
- Tigard Website
- Tigard Chamber of Commerce
- Community Planning Organizations
- St. Anthony's Spanish Outreach Minister
- Cityscape

The attendees provided very useful comments on the Draft Goals, engaged staff in valuable conversation, and approximately 40 signed-up to participate further. There were also members of the Planning Commission, CCI, CCAC, and two City Councilors that attended one or both events.

The results of the Draft Goals comment form are found below. Citizens were given the opportunity to rate how the Draft Goals generally reflect their vision for Tigard in the year 2027. Answers were provided on a scale of one (not at all) to five (yes, very much).

The results show that Open House attendees generally agreed with the Draft Goals as all 9 topics received a median score of 4 or above and six of the topics had a mode of 5. The mean score for

each topic was slightly lower due largely to an outlier in each topic category supplied by one individual. The Draft Goals are also found below.

<b>Results of Citizen Comments of Draft Goals</b>			
<b>Topic</b>	<b>Mean</b>	<b>Median</b>	<b>Mode</b>
Citizen Involvement	3.8	4.0	4.0
Community	3.9	4.0	5.0
Environmental Quality	3.8	4.0	5.0
Land Use/ Urbanization	3.5	4.0	4.0
Natural Hazards	3.6	4.0	4.0
Natural Resources	3.9	4.5	5.0
Parks and Recreation	4.2	5.0	5.0
Public Facilities	3.9	4.0	5.0
Transportation	4.0	4.0	5.0

#### Draft Goals Presented at Open Houses:

##### Citizen Involvement

1. Provide citizens, affected agencies and other jurisdictions the opportunity to participate in all phases of the planning process.
2. Ensure all citizens have access to:
  - a. Information on land use planning issues in an understandable form; and
  - b. Opportunities for two-way communication with city staff, elected and appointed officials.

##### Community

1. Provide the opportunity for a variety of housing types to meet the diverse housing needs of current and future residents.
2. Maintain a high level of residential livability.
3. Provide for diversified economic development opportunities for present and future businesses and workforces.
4. Promote a vibrant and sustainable local economy that enhances the prosperity and livability of the community.
5. Promote the preservation and protection of historically and culturally significant resources.

##### Environmental Quality

1. Reduce air pollution and improve air quality in the community and region.
2. Ensure land use activities protect and enhance the community's water quality.
3. Reduce the amount of solid waste entering landfills.
4. Reduce energy consumption.

### Land Use/Urbanization

1. Maintain relevant and up-to-date Comprehensive Plan, implementing regulations, programs and special area plans as the legislative basis of Tigard's land use program.
2. Ensure that urban development does not diminish the quality of life in the community.
3. Actively participate in decisions related to the Tigard Urban Services Area.
4. Promote more intense urban level development in Metro-designated Centers: the Downtown Tigard Town Center and Washington Square Regional Center.
5. Protect and enhance the environmental and aesthetic contribution of trees and other vegetation.

### Natural Hazards

1. Protect people and property from flood, landslide, earthquake and wildfire hazards.
2. Protect people and property from non-natural hazardous occurrences.

### Natural Resources

1. Preserve and restore environments that provide fish and wildlife habitat.
2. Protect and enhance Tigard's wetland resources.
3. Protect and restore Tigard's stream corridors.
4. Protect Tigard's groundwater resources.

### Parks and Recreation

1. Provide a wide variety of high quality park and recreation services and opportunities for all residents.
2. Create a City-wide network of interconnected pedestrian and bicycle trails.

### Public Facilities

1. Develop and maintain a stormwater system that protects water resources and wildlife habitat.
2. Ensure a reliable, high quality water supply to meet the existing and future needs of the community.
3. Develop and maintain a wastewater collection system that meets the existing and future demand of the community.
4. Ensure adequate public facilities to serve the health, safety, education, and leisure needs of all Tigard residents.
5. Ensure private utilities provide the needed energy and communication services for the community.

### Transportation

1. Reduce traffic congestion in the community.
2. Develop and maintain a safe, multi-modal transportation system that enhances the livability of the community.
3. Implement mutually supportive land use and transportation plans.
4. Coordinate planning, development, and operation of the transportation system with the appropriate agencies.

The next steps in the Comprehensive Plan Update are to begin the formulation of policies and action measures and to continue the public involvement efforts to gather feedback from the community. Public involvement efforts will include:

- Presentations to community groups
- Displays at community events
- Website
- Youth involvement
- Policy Interest Teams
- Engage Boards/Committees
- Planning Commission workshops
- City Council workshops and hearings
- Listening posts
- Fact sheets and questionnaires

The general schedule for completion of the Comprehensive Plan Update is:

May/June 2007

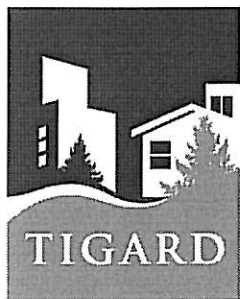
- Work with Planning Commission to finalize Comprehensive Plan Goals
- Work with Department Review Teams and Policy Interest Teams to develop Draft Policies and Action Measures to take to the Planning Commission
- Contact appropriate agencies/organizations to participate in Policy Interest Teams
- Hold work sessions with the Policy Interest Teams and relevant Boards/Committees
- Conduct two listening posts (mid to late June) to gather feedback
- Provide opportunity for comment through the Comp Plan Newslist and the website

Summer/Fall 2007

- Hold Planning Commission workshops with Policy Interest Teams to develop final Policies and Action Measures that will be recommended to City Council

Fall/Winter 2007/08

- City Council workshops and hearings



# MEMORANDUM

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TO: Mayor Craig Dirksen and Members of the City Council

FROM: Gus Duenas, City Engineer  
John Floyd, Associate Planner, Long Range Planning

RE: Status Report on 2035 Regional Transportation Plan

DATE: May 11, 2007

## INTRODUCTION

This memo conveys a list of 44 Tigard area transportation projects that staff proposes Metro and its Joint Policy Advisory Committee on Transportation (JPACT) consider for inclusion in the 2035 Regional Transportation Plan (RTP). Staff wishes to brief Council on this matter and receive any direction before finalizing the City-specific project list and working with other jurisdictions to prepare the jointly sponsored list.

## BACKGROUND / DISCUSSION

The timeframe is short for Metro area jurisdictions to submit their projects. The City and others were notified of this task on April 26, 2007. Project lists and related evaluation materials are due to Metro by June 18, 2007. Project cost information is due June 30, 2007.

Tigard and Metro area jurisdictions are required to submit lists of projects totaling 200% of the transportation dollars the region is estimated to have by 2035. Metro Committees will narrow the regional list down to conform to the financial constrained revenue model which is 100% of Regional 2035 transportation funds.

City staff is working with other jurisdictions through the Washington County Transportation Coordinating Committee (WTCC) and its Technical Advisory Committee (WTAC) to prepare synchronized and compatible project lists within the budget allocation for Washington County.

A two-track process will be used by Metro and its committees to score and select projects. The first track is structured to ensure strategic investments can be made in "State and Regional Mobility Corridors." This involves investments in freeways, major arterials, freight systems and regional mass transit facilities. The second track focuses on "Community Building. This will support development of Metro 2040 Design Types such as centers and corridors and also improve local community mobility and access. Jurisdictions and agencies must "self-score" their proposed projects and demonstrate consistency with relevant Metro policies and objectives.

The following criteria are the threshold for transportation projects to be eligible for the Regional 2035 RTP. Each proposed project must:

- Meet the definition of a regional project or program
- Assist in achieving the Metro 2040 Plan
- Have a minimum cost of \$1 million
- Have local approval through a public process, such as adoption as part of a local Transportation System Plan
- Meet federal air quality requirements
- Be consistent with other 2035 RTP criteria

Due to the task's short time frame, staff is drawing from projects already on the 2004-2020 RTP and Washington County Transportation Funding Plan. This approach of using projects contained in existing plans is being used by all other Washington County jurisdictions and agencies. Please note that projects may be "bundled" to satisfy the million-dollar minimum cost requirement. Therefore, descriptions may change. Projects may also be added or withdrawn from the list as a result of consultation with adjacent jurisdictions and ODOT.

### **Conclusion**

Council's direction and advice regarding this task would be appreciated. As the Regional 2035 RTP progresses, staff will provide additional briefings and seek direction when needed.

Attachment: A: Proposed Tigard 2035 RTP Project List

ATTACHMENT "A"						
PROPOSED TIGARD 2035 RTP PROJECT LIST						
2004 RTP ID	Project/Program Name	Project Start Location (Identify starting point of project)	Project End Location (Identify terminus of project)	Description	Time Period	
Enter 2004 RTP project number, if one exists.	Enter a brief project/program name that includes the name of the facility or program (e.g., Barnes Road Pedestrian Improvements, City-wide traffic signal coordination)	Enter the beginning of the project limit or location of a spot improvement (e.g. N. Portland Road)	Enter the terminus of the project limit cross-street(s) (e.g. Cornell Road)	Briefly describe the project, using public friendly phrasing and avoiding technical jargon where possible. (e.g. Widen street to four lanes with turn lanes at intersections, sidewalks, bike lanes, and traffic signal coordination)	Click on cell and arrow to right to select one from the drop-down list provided	
6007	Fanno Creek Greenway Extension Planning			Planning and PE to extend greenway from Tigard to Tualatin	2008-2017	
6008	Washington Square Regional Center			Increase local street connections at Washington Square Center based on recommendations in regional center plan	2018-2025	
6011	Highway 217 Overcrossing - Cascade Plaza	Nimbus	Locust	Provide a new connection from Nimbus to Washington Square south of Scholls Ferry Road.	2018-2025	
6012	103rd Avenue Improvements	Western Avenue	Walker Road	Improve existing roadway and construct new connections and intersection alignments to provide connectivity and capacity from Walker Road to Western Avenue. Project includes sidewalks and bike lanes.	2018-2025	
6013	Hall Boulevard Improvements	Scholls Ferry Road	Locust	Widen to 5 lanes with a boulevard design.	2008-2017	
6015	Greenburg Road Improvements, North	Hall Boulevard	Washington Square Road	Widen to 5 lanes with bikeways and sidewalks	2008-2017	
6016	Greenburg Road Improvements, South	Shady Lane	North Dakota	Widen to 5 lanes with bikeways and sidewalks	2008-2017	



6020	Beaverton Powerline Shared-Use Trail	Scholls Ferry Road	Tualatin River Greenway	Plan, design and construct multi-use path	2008-2017
6021	Scholls Ferry Road Improvements	Highway 217	125th Avenue	Widen to seven lanes with access management	2018-2025
6022	Washington Square Regional Center Pedestrian Improvements			Improve sidewalks, lighting, crossings, bus shelters, and benches at Washington Square	2018-2025
6023	Scholls Ferry Pedestrian Improvements	Beaverton-Hillsdale Highway	Hall Boulevard	Improve sidewalks, lighting, crossings, bus shelters, and benches	2018-2025
6025	Scholls Ferry Road TSM Improvements	Highway 217	125th Avenue	Implement appropriate TSM strategies such as signal interconnects, signal retiming and channelization to improve traffic flows	2008-2017
6026	Washington Square Regional Center TMA Startup Program			Implement transportation management association program with employers at Washington Square Center	2008-2017
6027	I-5/217 Interchange Phase 2	Highway 217	I-5	Interchange reconstruction	2008-2017
6028	I-5/217 Interchange Phase 3	Highway 217	I-5	Interchange reconstruction with new southbound Highway 217 to I-5 flyover ramp	2008-2017
6029	Hall/Kruse Frequent Bus Service			Construct improvements that enhance frequent bus service between Tigard-Lake Oswego-Kruse Way	2008-2017
6030	Hall Boulevard Improvements	Locust	Durham Road	Improve Hall Boulevard to 5 lanes	2008-2017
6031	Greenburg Road Improvements	Tiedeman Avenue	Highway 99W	Widen to 5 lanes	2018-2025
6036	Bonita Road Improvements	Hall Boulevard	Bangy Road	Widen to 4 lanes	2008-2017
6037	Durham Road Improvements	Upper Boones Ferry Road	Hall Boulevard	Widen to 5 lanes	2008-2017
6039	99W Improvements	I-5	Greenburg Road	Widen to 7 lanes	2018-2025
6040	72nd Avenue Improvements	99W	Hunziker Road	Widen to 5 lanes	2008-2017
6041	72nd Avenue Improvements	Hunziker Road	Bonita Road	Widen to 5 lanes	2008-2017
6042	72nd Avenue Improvements	Bonita Road	Durham Road	Widen to 5 lanes with bikeways and sidewalks	2008-2017
6043	Upper Boones Ferry Road	I-5	Durham Road	Widen to 5 lanes	2018-2025
6044	Dartmouth Street Extension	Durham Road	Hunziker Road	3 lane extension; new Highway 217 overcrossing	2018-2025
6045	Dartmouth Street Improvements	72nd Avenue	68th Avenue	Widen to 4 lanes with turn lanes	2008-2017

6047	Highway 217/72nd Avenue Interchange Improvements	Highway 217	72nd Avenue	Complete Interchange reconstruction with additional ramps and overcrossings	2008-2017
6049	Highway 99W Bikeway	Hall Boulevard	Greenburg Road	Retrofit for Bike Lanes	2008-2017
6050	Tigard Town Center Pedestrian Improvements			Improve Sidewalks, lighting, crossings, bus shelters and benches throughout the Town Center including: Highway 99W, Hall Blvd, Main Street, Hunziker, Walnut and neighborhood streets	2018-2025
6051	Hall Boulevard Bikeway and Pedestrian Improvements	Oak Street	Highway 99W	Bike lanes, sidewalks and pedestrian crossings	2008-2017
6052	Highway 217 Overcrossing	Nimbus Drive	"Northern Mall Area"	2 lane overcrossing with sidewalks and bike lanes	2018-2025
6053	Nimbus Avenue Extension	Nimbus Avenue	Greenburg Road	2 lane extension with sidewalks and bike lanes	2018-2025
6054/6055	Highway 99W Access Management Plan / Highway 99W System Management	I-5	Durham Road	Develop access control plan for Highway 99W / Signal interconnection on 99W	2008-2017
6057	Washington Square Regional Center Greenbelt Shared Use Path	Hall Boulevard	Highway 217	Complete shared-use path construction	2008-2017
6058	Durham Road Improvements	Hall Boulevard	99W	Widen to 5 lanes with bikeways and sidewalks	2018-2025
6060	King City Town Center Pedestrian Improvements			Improve Sidewalks, lighting, crossings, bus shelters and benches along Highway 99W, 116th and Durham Road	2018-2025
6063	Lower Tualatin River Greenway Trail	Powerline Trail	Williamette River	Feasibility Study to construct a shared use path	2018-2025
6064	Hall Boulevard Frequent Bus			Construct improvements that enhance frequent bus service along Tualatin-Hall-TV Highway	2008-2017
6067	Boones Ferry Road Improvements	Durham Road	Wilsonville Town Center	Lane improvements to complete sidewalks and bike facilities	2008-2017
6068	Boones Ferry Road Improvements	Tualatin-Sherwood Road	Wilsonville	Widen to 5 lanes with bikeways and sidewalks	2018-2025
6069	Hall Boulevard Extension	Durham Road	Tualatin	Extend Hall Boulevard across Tualatin River	2018-2025

6071	Tualatin-Sherwood Road Improvements	Highway 99W	Teton Avenue	Widen to 5 lanes with bikelanes and sidewalks; interfere signals at Oregon and Cipole streets	2008-2017
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Agenda Item #  
Meeting Date

49

**CITY CENTER DEVELOPMENT AGENCY AGENDA ITEM SUMMARY**  
City Of Tigard, Oregon

Issue/Agenda Title Approval of FY 07-08 Downtown Implementation Strategy

Prepared By: Phil Nachbar Dept Head Approval: TC City Mgr Approval: CR

**ISSUE BEFORE THE CITY CENTER DEVELOPMENT AGENCY**

Review, and concur or modify the FY 07-08 update to the Downtown Implementation Strategy?

**STAFF RECOMMENDATION**

Adopt the FY 2007-08 Downtown Implementation Strategy and Work Program.

**KEY FACTS AND INFORMATION SUMMARY**

The Downtown Implementation Strategy is the key document intended to organize and prioritize "near-term" and "long-term" policies and actions for the Downtown. It includes goals, policies, and both a 1-Year and 3-year Action Plan. The first Strategy was adopted in August 2006; this represents an update for FY 2007-08.

Adoption of the Downtown Implementation Strategy provides specific direction to staff and the City Center Advisory Commission (CCAC) for a FY 07-08 Work Program, and an overall strategy for Downtown.

There have been no substantive changes to the policies within the document. However, the 1-Year Work Program and 3-Year Action Plan have been revised to reflect progress made, anticipated new projects, and prioritization of work. Significant changes to the 1-Year Work Program include: performance of a market and development strategy to assist in identifying real estate opportunities, maximizing new investment and developing new land use regulations, development of the master plan for Fanno Creek Park and a Downtown Public Plaza, refinement of the Urban Design Plan to address the need for better circulation, future districts and land uses, and evaluation of the feasibility of the Urban Creek Corridor, the identified north-south open space connector in Downtown.

The 3-Year Action Plan for FY 07-08 is a continuation of last year's plan with minor modifications based on progress and adjustments.

The Strategy is being reviewed by the CCAC. Their specific recommendations and comments will be provided at the CCDA Workshop of May 15.

**OTHER ALTERNATIVES CONSIDERED**

NA.

**CITY COUNCIL GOALS**

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The Downtown Implementation Strategy update furthers Council's goal to continue to support implementation of the Downtown Plan.

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#### **ATTACHMENT LIST**

Downtown Implementation Strategy--1-Year Work Program, and 3-Year Action Plan.

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#### **FISCAL NOTES**

All projects anticipated for FY 07-08 have been submitted as part of the annual City and Urban Renewal budgets.

## TIGARD DOWNTOWN ACTION PLAN — 3 YEAR

Project / Action	Year 1 FY 07-08	Year 2 FY 08-09	Year 3 FY 09-10	Future
<b><i>Facilitation of Redevelopment Projects</i></b>				
<b>Downtown Development Opportunity Sites-Program</b>				
Market Analysis/Development Strategy	x			
Identify Opportunity Sites for Redevelopment	x			
Development Program for Land Assembly/Marketing	x	x	x	
<b>Land Use—Regulations / Design Guidelines</b>				
Land Use / Building Types Refinement	x			
Design Guidelines	x	x		
Land Use Regulations	x	x		
<b>Commuter Rail</b>				
Commuter Rail Station	x			x
Commuter Rail Block / Joint Development	x			
Shelter Upgrade	x			
<b>Downtown Housing Development</b>				
Housing Study	x			
Housing Program Estimate	x			
Implementation			x	x
<b>Performing Arts / Recreation Center</b>				
Performing Arts Use / Preliminary Siting	x			
Performing Arts Use / Feasibility Study				x
Land Disposition / Acquisition				x
<b>Post Office Relocation</b>				
Initiate discussions with USPS	x			
Follow-Up Actions (Relocation Study / Facilitation)		x		
<b><i>Improvement of Fanno Creek Park &amp; Open Space System</i></b>				
<b>Fanno Creek Park / Public Area</b>				
Fanno Creek Park Master Plan	x			
Funding Program / Parks System Master Plan	x			
Public Area Use Design	x			
Public Use Area / Redevelopment Feasibility	x			

## TIGARD DOWNTOWN ACTION PLAN — 3 YEAR

Project / Action	Year 1 FY 07-08	Year 2 FY 08-09	Year 3 FY 09-10	Future
<b><i>Improvement of Fanno Creek Park &amp; Open Space System (continued)</i></b>				
Land Acquisition (floodplain properties)	x			
Land Acquisition (Public Area)		x		
Fanno Creek Realignment and Restoration	x	x		
Park Restoration	x	x	x	x
Public Area Improvements	x	x	x	x
Farmer's Market				
Site Location	x			
<b>Urban Creek / Green Corridor</b>				
Implementation Options	x			
Feasibility Study	x			
Inclusion in Parks Master Plan / Overlay Zone	x			
Preliminary Design				x
Land Disposition				x
Final Design & Engineering				x
Construction				x
<b>Ash Ave. Street / Open Space Design</b>	x			x
<b>Rail to Trail (Hall to Tiedeman St.)</b>				
Planning / Design	x	x	x	
Construction				
Hall Blvd.—Commuter Rail Segment	x			
Main St. to Tiedeman Segment				x
<b><i>Development of Comprehensive Street &amp; Circulation System</i></b>				
<b>Downtown Circulation Plan</b>				
Revise Circulation Plan	x			
<b>Streetscape Enhancement Program</b>				
Burnham Street				
Final design / ROW	x			
Construction	x	x		
Commercial Street (Main to Lincoln--Construction)	x			
Commercial St. ( Hall to Main St.)		x		
Scoffins St.				x



# TIGARD DOWNTOWN ACTION PLAN — 3 YEAR

Project / Action	Year 1 FY 07-08	Year 2 FY 08-09	Year 3 FY 09-10	Future
<b><i>Development of Comprehensive Street &amp; Circulation System</i></b> (continued)				
<b>Streetscape Enhancement Program</b>				
Main Street				
Main Street Safety Improvements	X			
Main Street "Brand Tigard" Improvements	X	X	X	X
Main Street Comprehensive Improvements				
Design		X		
Construction			X	X
Main Street Traffic Light @ Tigard Street		X		
Storefront Façade Improvement Program		X	X	X
<b>Ash Avenue Improvements</b>				
Ash Ave. (Burnham St. to Rail )				
Engineering / ROW	X			
Construction	X	X		
Ash Ave. North Feasibility Study	X			
Ash Ave. North Design/Construction		X	X	X
Ash Avenue (Fanno Creek to Burnham St.)				X
<b>RR At-Grade Crossing</b>				
Initiate Vehicular Crossing Negotiations	X			
Pedestrian Crossing		X		
Vehicle Crossing				X
<b>Open Space Design</b>	X			
Burnham St. to Fanno Overlook				X
Ped / Bicycle Bridge				X
Terminus to RR Tracks				X
<b>Hall Blvd. / 99W Downtown Gateway</b>				
Gateway Conceptual Design	X			
Intersection Design Input / Washington County	X			
ROW Acquisition	X			
Intersection Construction	X			
Final Design (Gateway)	X			
Gateway Construction	X	X		
<b>Downtown Alternative Access Study</b>				
Downtown Alternative Access Study		X		
Greenburg Rd/99W/Main St. / Center St. Intersection	X	X		
Scaffins / Hall Blvd. / Hunziker Realignment				X
Traffic Analysis—Greenburg Rd. / Tiedeman / N. Dakota	X			
<b>Pedestrian / Bike Plans</b>				
Update Plan		X		

## TIGARD DOWNTOWN ACTION PLAN — 3 YEAR

Project / Action	Year 1 FY 07-08	Year 2 FY 08-09	Year 3 FY 09-10	Future
<b><i>Development of Comprehensive Street &amp; Circulation System</i></b> (continued)				
Parking Management Plan				
Monitor Parking in Downtown	x	x	x	x
Determine Catalyst Project Impact				x
Prepare Parking Study / Plan				x

**TIGARD DOWNTOWN WORK PROGRAM 1--YEAR****FY 07-08****Project / Task**

July Aug Sept Oct Nov Dec Jan Feb Mar April May June

***Facilitation of Downtown Redevelopment Projects*****Downtown Opportunity Sites—Program Development**

Perform Market Analysis / Development Strategy

Develop Program for Assembly / Marketing of Parcels

Evaluate opportunities for public plaza / private development project

Identify / evaluate City-owned property for redevelopment

Coordinate City facility planning with redevelopment efforts

Initiate discussions with USPS for relocation

**Refine Urban Design Plan for Downtown****Land Use—Regulations / Design Guidelines**

Design Guidelines

Identify Design Guidelines for evaluation

Evaluate options for Design Guidelines

Coordinate review of Design Guidelines

Land Use Regulations

Identify Land Use regulations for evaluation

Evaluate options for Land Use / Zoning Regulations

Coordinate review and amendment of Land Use Regulations

**Commuter Rail Block**

Transit Center Redevelopment

Prepare Preliminary Project Feasibility Study

# TIGARD DOWNTOWN WORK PROGRAM 1--YEAR

**FY 07-08**
**Project / Task**

July Aug Sept Oct Nov Dec Jan Feb Mar April May June

**Improvement of Fanno Creek Park/Open Space System**
**Fanno Creek Park / Public Area**

Develop Fanno Creek Park &amp; Plaza Master Plan

Plaza Location Study / Programming

Coordinate / Integrate Fanno Creek Improvements into Plan

Design Alternatives

Preliminary Master Plan

Final Master Plan

Fanno Creek Park &amp; Plaza Implementation

Adopt Master Plan

Incorporate into Parks System Master Plan

Prepare Construction Documents

Fanno Creek Trail System

Determine feasibility of Trail Extension (Main St. to Grant St.)

Construct Trail Improvements

**Rail to Trail (Hall to Tiedeman St.)**

Prepare overall feasibility study

Execute joint agreement with property owner

**Land Acquisition**

Land Acquisition (floodplain properties)

Land Acquisition (Public Area)

Coordinate with affected property owners

Establish time frame for relocation / property conveyance

**Urban Creek / Green Corridor**

Prepare feasibility study

Identify alignment and design parameters

Determine recommendations / Obtain Council approval

Evaluate for inclusion into Parks Master Plan (optional)

**TIGARD DOWNTOWN WORK PROGRAM 1--YEAR****FY 07-08****Project / Task**

July Aug Sept Oct Nov Dec Jan Feb Mar April May June

***Improvement of Fanno Creek Park Open Space System (continued)*****Restoration & Wetland Mitigation Projects**

Conduct hydrologic / design analysis of Fanno Creek

Identify Fanno Creek realignment options

Prepare final engineering drawings for creek improvements

Construct Creek restoration and improvements

Construct initial park improvements

**Farmer's Market**

Evaluate for inclusion in public plaza programmed uses

***Development of Comprehensive Street/Circulation System*****Refine Circulation Plan for Downtown**

Determine / Evaluate Circulation Plan Options

Coordinate Review / Select Circulation Plan Option

**Streetscape Enhancement Program**

Burnham Street (Final Design / ROW)

Final design / ROW

Construction

Commercial Street (Main to Lincoln)

Final design / ROW

Construction

Main Street

Identify Main Street "Brand Tigard" Improvements

**Ash Avenue Improvements**

Ash Ave. (Burnham St. to Rail )

Engineering / ROW

Construction

**TIGARD DOWNTOWN WORK PROGRAM 1--YEAR****FY 07-08****Project / Task**

July Aug Sept Oct Nov Dec Jan Feb Mar April May June

***Development of Comprehensive Street / Circulation System******(continued)***

Ash Ave. Feasibility Study (N. of Fanno Creek)															
RR At-Grade Crossing (vehicular and pedestrian)															
Initiate discussion with RR as to criteria / requirements															
Establish timeframes and agreement with RR															
Coordinate Ash Avenue Open Space Design with Fanno Master Plan															
<b>Hall Blvd. / 99W Downtown Gateway</b>															
Gateway Conceptual Design															
Intersection Design Input / Washington County															
Coordinate Review of Preliminary Design															
ROW Acquisition															
Review Gateway Preliminary Design															
Construction															
<b>Main Street Improvements</b>															
Install Safety Improvements															
<b>Pedestrian / Bike Plans</b>															
Update with Circulation Plan															
<b>Parking Management Plan</b>															
Monitor Parking in Downtown															



Agenda Item #  
Meeting Date

510  
May 15, 2007

**COUNCIL AGENDA ITEM SUMMARY**  
City Of Tigard, Oregon

Issue/Agenda Title Downtown Land Use and Urban Design Planning Overview Workshop

Prepared By: Sean Farrelly Dept Head Approval: [Signature] City Mgr Approval: [Signature]

**ISSUE BEFORE THE COUNCIL**

Receive staff's report regarding land use and design planning activities ongoing for Downtown Tigard.

**STAFF RECOMMENDATION**

Receive a briefing on Downtown land use and design.

**KEY FACTS AND INFORMATION SUMMARY**

The findings and recommendations of the Tigard Downtown Improvement Plan (TDIP) were accepted by Council in September 2005. In May 2006 Tigard voters approved an Urban Renewal District for the area to finance the implementation of the plan. On April 24, 2007 Council approved the changes to the Comprehensive Plan to allow implementation of the TDIP.

The next phase in Tigard's efforts to revitalize its Downtown and implement the TDIP will focus on several projects, collectively referred to as "Land Use and Urban Design Planning." The Land Use and Urban Design Planning program will establish and actively manage the framework for the design and development of Downtown, including the physical character, form and quality of new public and private development. The purpose of the program is to promote redevelopment by creating a unique sense of place and an identity for Downtown, ensuring high quality architecture and site development, and providing a clear vision of the desired urban form.

In the near future the Planning Commission and Council will be asked to hold public hearings on: land use designations; building and site design standards; design guidelines and procedures; and amending the Transportation System Plan to refine the Downtown circulation plan.

**OTHER ALTERNATIVES CONSIDERED**

Not applicable.

**CITY COUNCIL GOALS**

Goal 2: "Continue to Support Implementation of the Downtown Plan."

Goal 4: "Improve Council / Citizen Communications"



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**ATTACHMENT LIST**

Attachment 1: Memo to Council dated April 25, 2007 regarding Downtown Urban Design Planning

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**FISCAL NOTES**

Not applicable.



# MEMORANDUM

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TO: Tigard City Council

FROM: Sean Farrelly, Associate Planner

RE: Downtown Land Use and Urban Design Planning

DATE: April 25, 2007

The next phase in Tigard's efforts to revitalize its Downtown will focus on several projects, collectively referred to as "Land Use and Urban Design Planning." These projects will build on, refine, and implement the Tigard Downtown Improvement Plan, Urban Renewal Plan and Streetscape Design Plan.

At the May 15th City Council workshop, Council will be asked to receive staff's report regarding the status and elements of the Downtown land use and design planning activities. The Planning Commission and Council will hold public hearings on adoption of Downtown-specific land use designations and development regulations at a later date.

## **What is Urban Design?**

Urban Design is the art of making places for people. It brings together different disciplines including art, architecture, landscaping, economics, planning, engineering, and transportation into a unified vision for an area. Good urban design enhances both the appeal and functioning of towns, suburbs and centers. It affects not just how places "look", but also how they "work".

Good urban design is increasingly important to the reinvestment in, and revitalization of, downtowns and centers. The creation and reinforcement of high quality, attractive public places - such as key streets, public spaces, and parks - protects the value of public and private investment in these locations.

## **How Will Land Use and Urban Design Planning Help Downtown?**

By undertaking a Land Use and Urban Design Planning program, the City will establish and actively manage the framework for the design and development of Downtown. This program will ensure high quality architecture which will help create

an identity and a unique sense of place for Downtown Tigard. It will also guide public actions and investments, such as street improvements and park development.

### **Goal of Downtown Land Use and Urban Design Planning**

The Land Use and Urban Design Planning program will build on and refine the Tigard Downtown Improvement Plan, Urban Renewal Plan and Streetscape Design Plan. The ultimate goal is to take actions that will implement these plans. The key issues that will be addressed in the program:

- Development Strategy: A real estate development strategy will be formulated to use as a guide to promote private sector redevelopment in the Urban Renewal District. This strategy will include an analysis of Downtown's market position, projections for various land use types, and identification of opportunity sites. The strategy will inform the creation of a design and development framework and the revising of the Development Code for Downtown (including new zoning and design regulations).
- Design Principles, Standards, and Guidelines: Regulation of new buildings in the Downtown will ensure private development contributes to the goals of Downtown redevelopment. As many public investments will be made in the Urban Renewal District, some type of design regulation is desirable. The extent and process for such regulations will be determined.
- Transportation: A circulation plan will be developed to improve access in and around the Downtown and to improve the pedestrian environment. The potential to reduce block sizes, currently too large for easy pedestrian connections, will be explored.
- Potential North-South Connector ("Urban Creek" Corridor): The feasibility of this street connection/open space feature and surrounding land uses as suggested by the TDIP will be analyzed. Property owners who abut this potential project will be engaged as part of this analysis.

### **Upcoming Council Decision: Design Regulations**

An upcoming decision for the Planning Commission and Council is the desired extent of design standards and regulations.

The physical appearance and design of buildings have a direct impact on the public realm of a street. For example, a new public plaza is planned for the Downtown. The design of a new building constructed adjacent to this plaza would directly impact it. If the building had blank walls facing the plaza, the result could be a dead zone. A building constructed at a scale that overwhelmed the plaza would also have a negative impact on this large public investment. To protect such public investments and private redevelopment, some type of design regulations are needed.

Regulations of the appearance of buildings range from basic to comprehensive. Tigard currently has basic design standards in the Tigard Triangle, Washington Square, and Durham Quarry areas. These regulations encourage pedestrian oriented buildings by regulating such aspects as window coverage and building façade variation. Since the standards have been in place, new developments in these areas have the preferred characteristics.

Other communities, such as Portland and Lake Oswego, have more comprehensive design regulations that address such issues as compatibility with surrounding development, lighting, and more detailed aspects of building design. At their most far-reaching, regulations could control the color, specific materials, roof pitches, or even mandate a “theme” for new buildings. Often these regulations are administered by a design review board made up of a combination of citizens and design professionals.

The format of design regulations can be primarily text, primarily graphically based (as in a form based code), or a combination.

A subcommittee made up of two members each from the Planning Commission and City Center Advisory Commission has been meeting over the past few weeks. They will make a recommendation on the method and degree that the appearance and design of new buildings should be regulated in Downtown. In the next few weeks, the subcommittee will make a recommendation, which will be reviewed by the Planning Commission and City Center Advisory Commission. Council will make the final decision as to the extent of these regulations. With the decision in place, staff, working with stakeholders, will develop the details of the content and processes to administer the regulations.

## **Outcomes**

The expected outcomes of the Downtown Land Use and Urban Design Planning program include:

- A design and development plan
- Coordination and phasing of public investments (streetscape, parks, structured parking, etc) to leverage additional private investment
- New land use map and zoning regulations
- Design standards and guidelines
- Downtown circulation plan as part of Transportation System Plan
- A clear picture for the public of what Downtown will look like.

These projects will be accomplished with a combination of staff and the hiring of consultants with the appropriate expertise. State grant money may be available to partially fund these projects.